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ABSTRACT

A compilation of more than 50 lesson plans on law related education, these materials were written by middle school and high school teachers from around the United States. The lessons cover a broad range of topics including "DNA Fingerprints and the Constitutional Right to Privacy"; "Censorship and Book Banning in Public Schools"; "The Death Penalty and the Fourteenth Amendment"; "Freedom of Religion and Speech: U.S. and Canada"; and "Alternatives to the Courtroom: Problem Solving through Mediation." Each lesson plan features information for teachers including an introduction, rationale, and audience, class time needed to complete lesson, goals, materials, procedure, evaluation, tips for the teacher, and a bibliography. (DB)

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Righting Your Future

LRE LESSON PLANS FOR TODAY AND TOMORROW

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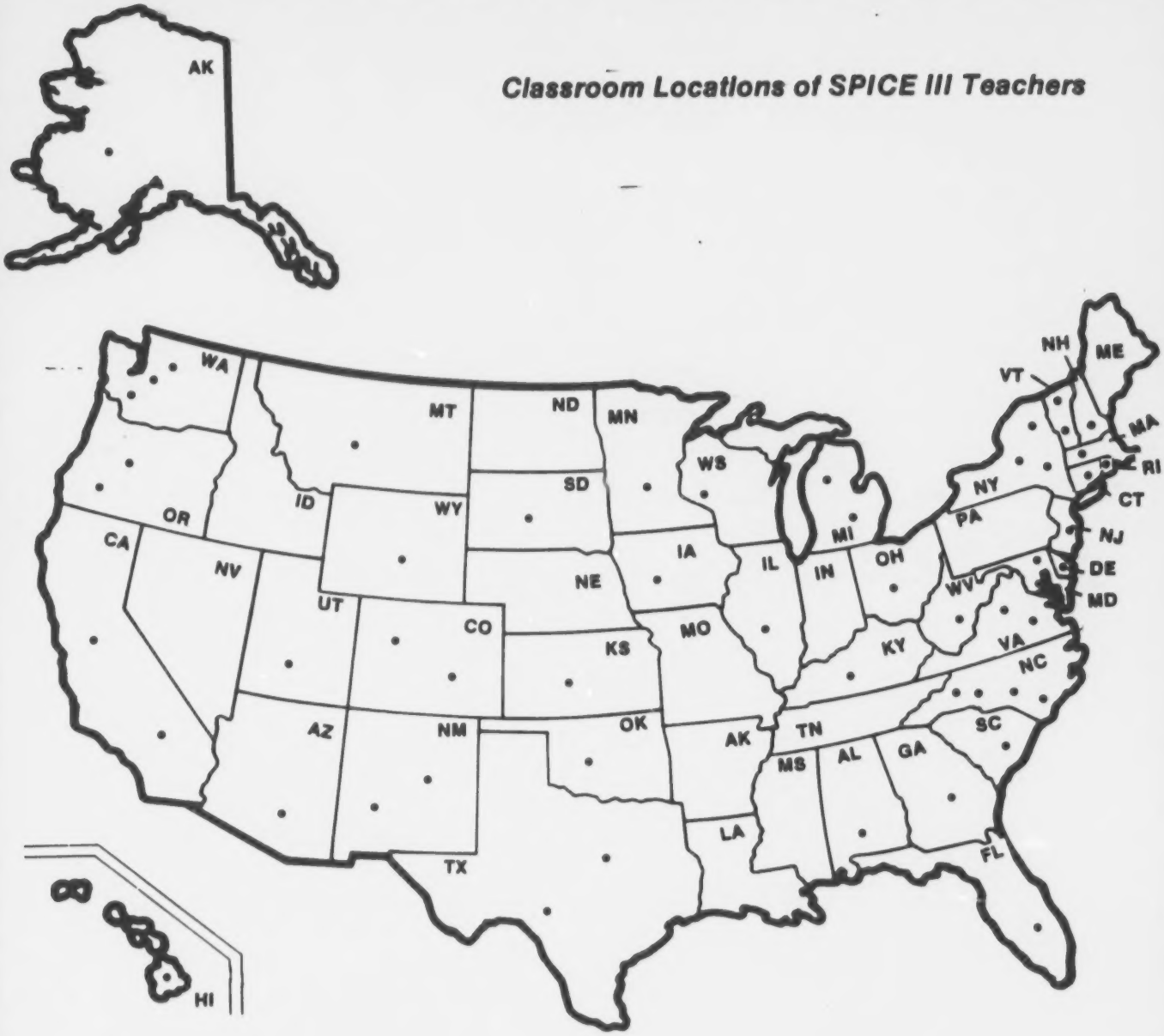

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CRADLE

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Righting Your Future

LRE LESSON PLANS FOR TODAY AND TOMORROW

Written By

SPICE III Classroom Teachers

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Julie VanCamp who secured the funding for this program and provided the guidance we needed to take each step successfully. She is a wonderful role model of the concerned and supportive educator.

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The CRADLE Mentor Program which provided each of us with a specific mentor who helped us write and revise our lessons. Without the guidance of these people, we couldn't have done such a good job.

David Hills who helped rejuvenate our sessions at Wake Forest with his cartoons. With David's talents, the joke was always on us. He helped us see ourselves in a different light.

This Book is Dedicated

To

Dean J. Donald Scarlett

Wake Forest University School of Law

Whose vision, commitment and dedication have made it possible for hundreds of teachers across the country to come together for the common purpose of expanding law-related educational opportunities for elementary and secondary school students.

Through his belief and encouragement CRADLE was launched on the campus of Wake Forest University eight years ago. He retired last year. We wish him continued success, and extend our sincere thanks for all he has done to promote the teaching and learning about the law for classroom teachers and their students in all 50 states.

Foreword

"Spicing" our Righting Today with Tomorrow's Futures Flare---Courtesy of Countdown 2001's Director Sherry Shiller

As you go through our law-related lesson plans for today and tomorrow, you may note a common "futures" perspective which unifies and informs many of the units. This perspective which manifests itself through the exotic references to techniques like "brainstorming, break set" and "freewheel" was opened up for us at our March Wake Forest Seminar by Dr. Sherry Schiller, the Director of the appropriately named futures organization COUNTDOWN 2001.

In order for you to fully tap into our "futures" law time, take a few moments to "trip" through this brief 21st century tutorial of Sherry's techniques and philosophy. After reading it and reviewing the way it is integrated into our law related lessons, you may opt to prepare your students for the critical constitutional laws and concerns of the 21st century this year.

The futures philosophy begins with the basic premise that the human factor can positively affect the kinds of trends, actions, and directions which will constitute the world of the 21st century. Both the world as we live in it today and the world which our students will live in tomorrow are comprised of various seemingly disconnected political and social entities which are in reality interconnected. Given this premise and the power of human decision in affecting future destiny, we and our students are faced with the challenge of identifying trends in present issues and events and predicting future consequences. Once these probe results are analyzed we must decide which trends or opportunities will work for use in the future.

Long range planning to meet tomorrow's needs mark the perspectives of 21st century futures legal studies offered by Sherry. As is evident from this brief synopsis, the futures approach trains students in critical thinking as well as problem solving skills empowering them for tomorrow's job market.

Among the techniques/tools suggested to impart this futures perspective in the classroom are:

A *Futures Probe*, involving a series of trends/issues/ one sentence statements whose future possibility, probability and preferability students determine (with the proviso that almost everything is possible!!!)

Forecasting, which involves students in a more complex extrapolation from current constitutonal trends to form probable and preferable 21st century legal developments or various multiple solutions to solve current crises.

"*Breaking Set*" as a means of literally changing "ha-has" to "ah-ahs" or in mundane terms viewing familiar problems or events in unusual, diverse, humor-filled, uninhibited ways. The more the merrier. Let's "idea party" as we "part set ideas." This is a calisthenic for creative problem solving and idea generation plus laughter as a "ha-ha" bonus.

Brainstorming or turning our own futures wheel to involve participants in a verbal flow of "risktaking" ideas and creative "calls" for new approaches to the Constitution, law, and life. (You decide the order or perhaps they're one and the same!) Suspend critical or killer statements which negatively evaluate other's ideas and stop the creative flow at its source.

"*Cross fertilization of ideas*" -- law related - as we spark new ideas through the hearing or sharing or other ideas. Brain writing is a written ideas-sharing which allows sharing for those of us who exchange and create best through the written word.

Brain boarding is a very "unboring" integration of the animator's storyboarding approach to idea generation. This involves participants in generating ideas on a particular topic, writing these on index cards and critiquing them in round one. Round two uses further ideas on index cards, posts them, and shares them aloud. To culminate, organize round one and round two cards into some outline form as round three work. Do you hear "report outline" or "brief preparation?" Right on tune, teacher of writing crosses the curriculum!! This is a great way to combine cooperative and independent as well as verbal and nonverbal learning styles!! Whichever of these approaches or philosophies you choose to integrate into your lessons, curriculum, or life, we are certain that you and your students will agree with Cervantes who anticipated Toffler's future shock by advising his audience that to be "forewarned is forearmed." We invite you to "arm yourself and your students with these building blocks for a preferable 21st century!!

Rose Reissman

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Introduction

As you leaf through the materials and lessons in this book, you might want to know how we, the creators of this material, hope that you will use it. It is our hope that you will be able to take our lessons and translate them into your own teaching style and procedures for use in your classroom. These lessons are intended as a way you can help your students prepare for the challenges of the 21st Century.

This future-oriented philosophy begins with the premise that humans can positively affect the kinds of trends, actions and directions of the world in the 21st Century. We, as teachers, and our students are faced with the challenge of identifying present issues and events and then predicting future consequences.

Our lessons are targeted for grades six through twelve and involve a variety of subjects. They are organized loosely by theme, but we invite you to preview all of the lessons. You may find great ideas that you can use immediately in your classroom, but you may also find other ideas that you can shape to fit the lessons and style you have already developed. Feel free to adapt and use the lessons in ways that are best for your classroom. Our goal is the creation of a preferable tomorrow through the development of today's students.

Each lesson plan, as written, specifies the goals, the materials and the procedures; we hope that you will clearly understand why we wrote the lesson, what you need to do to make it happen and what you do in the classroom.

Enjoy! We had fun brainstorming, creating, researching, and writing the lessons. We hope that you will enjoy using our ideas.

Rose Reissman

Rick Moulden

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Editorial Committee

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HAVES AND HAVE NOTS

Karen Koontz

Parkland High School
Winston-Salem, North Carolina

INTRODUCTION

After dividing the class into various countries with various resources, an assignment is given. Since no country has all the necessary resources, agreements must be made among the countries based on rules and regulations made by each country.

RATIONALE

This introductory style lesson plan can be used for any level class. It introduces a wide range of topics that can be studied throughout the year. The lesson plan is such that it can be used in classes of law, government, economics, US history, world history, and international relations.

AUDIENCE

Grades nine through twelve with any size class.

TIME TO COMPLETE

One and one-half to three periods.

GOALS

As a result of this lesson, students will:

- be able to analyze economic differences in various nations;
- see the need for laws;
- be able to recognize problems that develop due to different laws in various nations;
- realize that the interaction between legal and economic systems affect their make-up.

MATERIALS

1. masking tape
2. unsharpened colored pencils
3. rulers
4. atlases
5. pencil sharpener (one)
6. maps of the world with instructions
7. handouts 1, 2, 3, and 4.

PROCEDURE, PART ONE

Before the class arrives, use the tape to divide the room into countries of different sizes. Arrange the furniture so that the countries have unevenly distributed resources (some will have more desks than needed and others will not have enough). Distribute the pencils, maps, instructions, rulers, etc., also unevenly. I used large manila envelopes for each country to make handing out materials faster, and to make it easier to take up at the end of class. Countries will vary from over-populated to sparsely populated with a variety of resources. No group has all items needed to complete the assignment. I also used a large furniture box and placed two students inside so no one could see the resources available. One country was given nothing at all. The teacher then makes an assignment (see Handout 2). Have each group complete Handout 1 first. Negotiations will take place on day two.

PROCEDURE, PART TWO

Students begin to try to accumulate resources and chaos is the result because all have different laws. If a terrorist does not result on its own, the teacher may "plant" one. This is to see what happens when there is disregard for laws and the difficulty in enforcing them. I also became acid rain and destroyed part of the resources to show how some problems are common to all nations. Frustration levels are very high.

PROCEDURE, PART THREE

Debriefing. Ask the following questions to determine the students' learning.

a. What were the problems faced and why did you face them?

b. How did rules differ and how were responses different?
c. What did your group do when others did not obey your laws?
d. How did your group go about trading resources?
e. Who influenced the way you approached the formation of rules?
f. What modern day nations could you compare to the nations in the class?

Students will come up with such concepts as terrorism, scarcity, world courts, trade laws, immigration laws, etc.

EVALUATION

Teacher observation of group participation. Check the handout for each nation. Have the students write a short paper on the concepts learned. Divide the class into groups or individually to do research on the various topics discussed and have oral and written reports done.

TIPS FOR THE TEACHER

Your room will be very disorganized during this activity. Prepare students ahead of time for the chaos. I follow this activity with a simulation **BaFa BaFa**. I found that my upper level classes wanted to continue to see if they could finish the handout. The students will bring into the activity current events that involve international problems.

BIBLIOGRAPHY

Cornish, Edward. *Global Solutions: Innovative Approaches to World Problems.* Maryland: World Future Society, 1984.

Franz, Del. *Introduction to International Trade.* New York: Global Perspectives, 1986.

Heath Student Atlas. Massachusetts: DC Heath and Company, 1987.

McNeese, Tim and James Dickinson. *Future Problems and Alternatives.* Missouri: Milliken Publishing, Co. 1986.

Morice, Linda. *Skyjack: A Simulation of International Terrorism.* California: Interaction Publishers, 1986.

Shirts, Garry. *BaFa BaFa: A Cross Culture Simulation.* California: Simile II, 1977.

HANDOUT #1

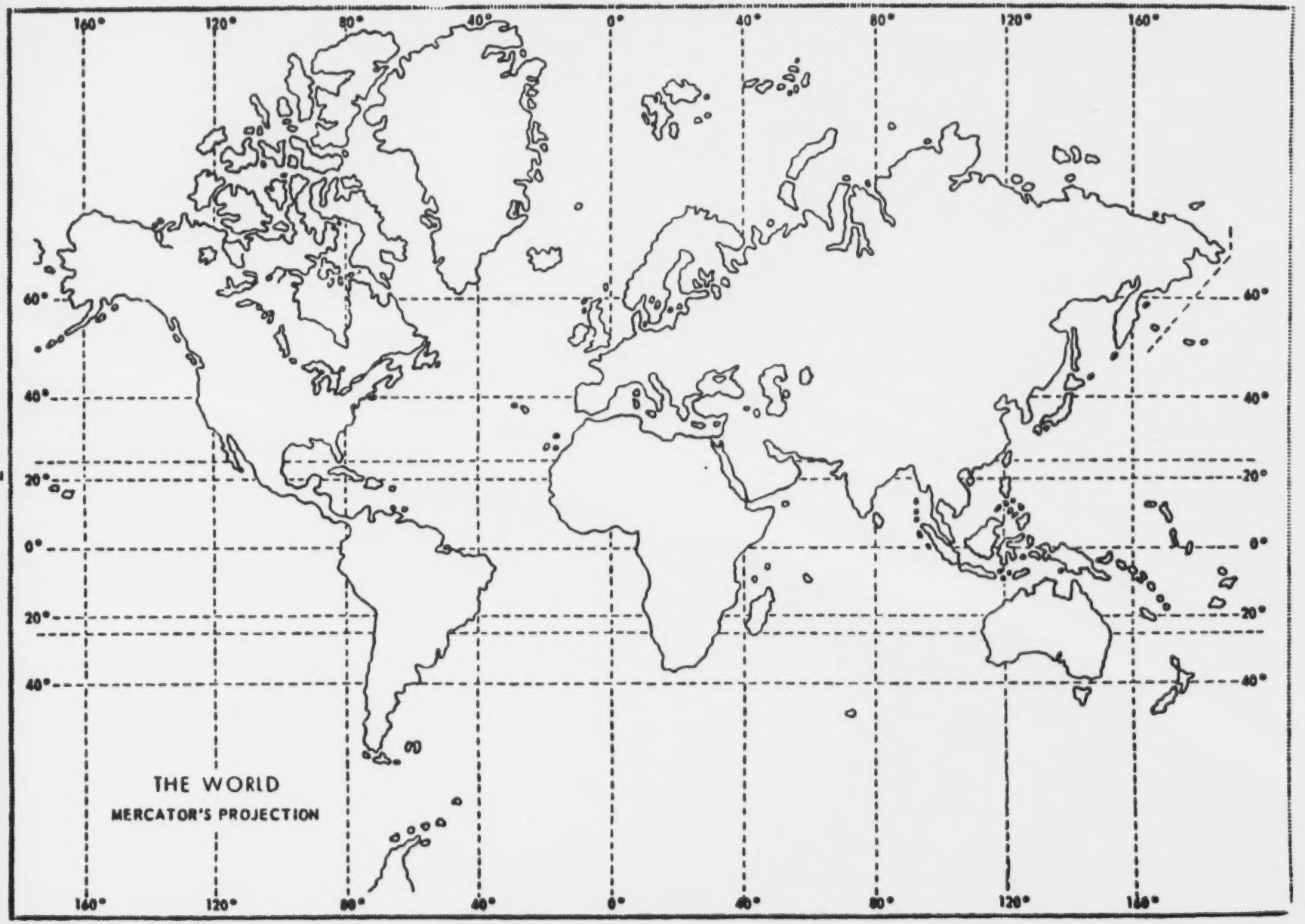
You are in various countries. Each person will need to complete the map on Handout 3. You may use only those materials provided in the classroom. You must follow the rules of the countries. Complete this sheet first so you can decide what your rules will be. Trading will take place on the second day.

LIST OF RESOURCES WE HAVE	LIST OF RESOURCES NEEDED

WHAT WE WILL GIVE UP	RULES FOR TRADE

HANDOUT #2

On the map of the world, and using the atlases provided, each person in your country must complete a map which will show three categories. You must use three different colors to represent the categories: red, green, and blue. Red will represent the nations with a high Gross National Product, blue will represent the nations with a middle level GNP, and green will represent the lowest level GNP. Provide a key with the map. Do not list the names of the countries on the map. Only colors will show on the map itself. Be neat and accurate. You will have to negotiate with other countries to get the resources you will need. Work as a country to accomplish this activity.


160°
120°
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0°
40°
80°
120°
160°
60°
40°
20°
0°
20°
40°
THE WORLD
MERCATOR'S PROJECTION

HANDOUT #3

MULTUAL
DEFENSE
ARE YOU SURE
YOU'RE CARRYING
YOUR FAIR SHARE?

EQUALITY OR EQUIVALENCY IN "SIMILAR SITUATIONS"

Spencer Willard

Scotland High School
Laurinburg, North Carolina

INTRODUCTION

Any discussion of human equality (rights) acknowledges that equality possesses a variety of divergent meanings. This lesson deals with those divergent meanings from Aristotle to the Declaration of Independence by examining a variety of primary documents. The examination should reveal historical, philosophical, legal, and moral insights concerning the debate on the idea of equality and its relationship to the constitutional questions of human rights.

The basic instructional method is teacher-led class discussion based on analysis of primary documents. While it is not necessary for the student or teacher to have prior understanding or knowledge of this historical, philosophical and legal debate of equality, they need to know how to analyze primary documents.

RATIONALE

This lesson is designed to provide students with the background necessary for them to draw clearer interpretations between the philosophical, moral, historical and legal meanings of the concept of equality—by the advent of the Constitutional Convention.

The long-range rationale for this lesson plan is to provide students with a proper historical background as a basis for them to evaluate the debate over the legal interpretations of equality in the pre/post-Civil War era and the pre/post-World War II era. Thus, they gain insight into the 20th century debate on human equality.

AUDIENCE

Grades eleven and twelve.

TIME TO COMPLETE

Eight to nine class periods.

GOALS

Students are expected:

- to understand that equality (equal) is a very limited concept;
- to understand that the basis for the concept of equality being included in natural law is factual in that we are all born human;
- to understand the interpretation of equality under natural and positive law at the time of the Constitutional Convention;
- to reach certain conclusions about the evolution of the concept of equality from Aristotle to the Declaration of Independence;
- to develop an understanding of the moral, legal, philosophical, and historical meanings in equality.

MATERIALS

1. A typed list of the following words and their meanings:

(a) equal	(g) positive law
(b) equivalent	(h) situation
(c) same	(i) equity
(d) similar	(j) right
(e) identical	(k) egalitarianism
(f) natural law	(l) opportunity

2. Aristotle's *Politics*, Book I, Chapter 1-7
   Rousseau's *The Social Contract*, Book I, Chapters 1-8
3. Thomas Hobbes, *Leviathan*, Chapter XVII
   John Locke's *Treatise of Civil Government II*, Chapter 4, 5, 11
4. *The Mayflower Compact*
   Fundamental Order of Connecticut
5. The Declaration of Independence—specifically the first two paragraphs.

PROCEDURE

If the classroom's physical setting will allow, students should be seated in a circle; if not, the closest arrangement to a circle will do. If there are more than twenty-four students in the class, you will have to use a split-group arrangement. Half of the class will discuss the first topic with you, the other half of the class will listen and take notes on the discussion. Specific directions as to notetaking should be given to

the students. The teacher should switch groups and their assignments in alternating fashion on the remaining topics in the lesson.

The following procedural directions are stated in the chronological order of each SESSION'S topic.

The directions for the organization of each topic, which are listed below, include:

1. Materials, all of which are listed under the heading of MATERIALS.
2. Time: Class periods necessary to complete topic of discussion and the maximum number of nights students should have to read all the documents listed for each of the sessions.
3. Examples of activities/questions that have proven to stimulate discussion. Question frames are not included for all five sessions. Teachers can and should develop their own frames. Teacher-constructed frames are more valid as instructional guides than teacher-copied frames.
4. Reading aids for each document are provided.

PROCEDURE, PART ONE

1. Materials: Student handout on terms.
2. Time to Complete: 1-2 class periods/1 night reading preparation.
3. Suggested Activities/Questions:
   a. Ask students to compare meaning of specific words (i.e., equal to same). One way of getting into the subject is to ask them what is "equal" and the "same" by comparing two pens of equal lengths to two pens of unequal length. Terms b, d, e can be discussed in a similar manner.
   b. After discussing terms a-e, ask how limiting the term "equal" is?
   c. What are some relationships between terms in group a-e and f-i?
   d. Is the concept of inequality more self-evident than equality?

PROCEDURE, PART TWO

1. Materials: *Politics* and *The Social Contract*
2. Time: 2 class periods/2 nights reading preparation
3. Suggested Discussion (It is not necessary to use all questions or be restricted to specific questions listed here):
   a. How do Aristotle/Rousseau agree or disagree on:
      a. the nature of the State?
      b. man as a political animal?
      c. slavery?
      d. women?
      e. despotism?
      f. constitutionalism?
   b. Does Aristotle contradict himself? Where and on what topic?
   c. What do these readings have to do with the concepts of equality or inequality?
   d. Other questions to consider:
      (1) Is it agreeable that the argument concerning equality had to be won philosophically before man could argue for more human rights in the legal arena?
      (2) Are we born political animals? If so, to what "rights" does that fact entitle us?

PROCEDURE, PART THREE

1. Materials: *Leviathan* and *Treatise of Civil Government.*
2. Time to Complete: 1 class period/1 night reading preparation.
3. Suggested Activities/Questions.
4. Questions should be centered around the theme "Are all men created equal?" Always remember to refer to usage of terms from Part One. For example, if a discussion of equality in similar situations has not arisen in prior sessions, the teacher should now introduce it.

   If the "when" and "why" of the usage of these terms changes during the course of the lesson, have students express their opinion.

PROCEDURE, PART FOUR

1. Materials: *The Mayflower Compact* and *Fundamental Orders.*
2. Time to Complete: 1 class period/1 night reading preparation.
3. Suggested Activities/Questions.
4. Question frame should be centered around the theme of Equality and the common good. For example, students can discuss the meaning of this quote from *The Mayflower Compact*: "... inact ... just and equal laws ... for the general good of the colony ..." See if students can apply philosophical meaning of equal, dictionary meanings and then try to establish a legal meaning.

PROCEDURE, PART FIVE

1. Materials: *The Declaration of Independence* (first two paragraphs).
2. Time to Complete: 2 class periods/1 night reading preparation.

3. Suggested Activities/Questions
   a. What does "by nature" mean?
   b. What does "truths" mean?
   c. What is the difference between a specific truth and a self-evident truth? Apply to equal, similar, etc.
   d. What is meant by "inalienable" rights?
   e. What is meant by "secure rights"?
   f. What are "rights"?
   g. What is meant by "to secure these rights governments are instituted among men"?
   h. How real was natural law for Jefferson? Founding Fathers?
   i. Try to get students to reach a consensus on who was similarly situated at the time the Declaration was written. Who was equal and "equal"? Finally, try to get students to reach a consensus on how history, philosophy, and morals were influencing the legal concept of equality at this time. (May need a third day to tie together major themes and concepts to reach a consensus, if this has not developed naturally during the discussion of the Declaration of Independence.)

DEBRIEFING

The debriefing of this lesson should occur as part of the ongoing teaching procedure (question and tutoring) that takes place during each class discussion. During these discussions, based partly on prior analysis of documents by students (via reading aids), the teacher has ample opportunity to develop/reinforce goals, content and critical thinking skills inherent in the lesson.

EVALUATION

The teacher, during the lesson process, has the opportunity for instant evaluation of each student via class discussions. Teachers should keep in mind that some students assimilate better as listeners than as speakers.

Students can be asked to turn in a written evaluation of each discussion sequence as the lesson plan proceeds. If you do not want all written evaluations to be out-of-class essays, students can write impression statements, etc. Teacher may choose to grade reading aids. Also, teachers who have classes of more than 24 students will have to decide grading schemes for students who are the audience during a discussion session.

TIPS FOR THE TEACHER

The tips for teachers consist of quotes, questions, and statements proven to stimulate discussion. I enter a lesson plan with no predetermined use of these questions. I just know that I will use them somewhere in the lesson plan. The decision about what to use is based on my experience as a teacher combined with the "reading" of the class ongoing discussion.

1. Equality is a short-term issue at best; equivalency is a long-term issue.
2. Should the Declaration of Independence become an active part of our positive law system rather that just remain a natural law statement?
3. "Strict construction" and "original intent" at the time of the Declaration meant natural law. Is this natural law concept what former U.S. Attorney General Edwin Meese is referring to when he says, "Let's return to 'strict construction' and 'original intent' " ?
4. Aristotle said, "Things alike should be alike." But he also said, "Equality and justice are the same." Did Aristotle contradict himself?
5. We are normal; they are different!
6. Is equal or equivalent the better term to explain the law's relationship to human rights?
7. If the sole purpose of law is justice and the law says justice is equivalency, is there ever a time when equity says justice is equal?
8. "An accurate view ... would prove that property is the main object of society ... men don't unite for liberty or life ... they unite for protection of property ... give the votes to people who have no property, and they will sell them to the rich who will be able to buy them." — Governor Morris
9. "You require that a man have sixty dollars worth of property, or he shall not vote. Very well, take an illustration. Here is a man who today owns a jackass, and the jackass is worth sixty dollars. Today the man is a voter and he goes to the polls and deposits his vote. Tomorrow the jackass dies. The next day the man comes to vote without his jackass and he cannot vote at all. Now tell me which was the voter, the man or the jackass." — Thomas Paine
10. A big problem in the 1980's is that we are very uncomfortable in talking about moral values. Then say, is it possible that without values you cannot apply the equal protection clause of the Fourteenth Amendment? If so, why? Is it because you cannot tell the difference in what is similar and dissimilar, equal or unequal?

11. It is best to blow-up the type on your documents as large as possible before duplicating for student handouts. The larger the type the more approachable the material for many students. The actual size of what is to be read is critical psychologically.
12. This same teaching approach/outline can be used for the ideas of justice, liberty, and many other ideas/themes.

13. Suggested reading aid for students to use with documents:

    Name _____

    Reading Aid for: _____

    1. Main points: _____
    2. Key words or phrases: _____

    _____

    3. Points I agree with: _____

    _____

    4. Points I disagree with: _____

    _____

    5. Subjects relevant/not relevant today: _____

    _____

    6. List five questions for class discussion:

*14. Rating the concepts of Equality in the Documents — A Board Exercise

Documents	Historical	Philosophical	Moral	Legal	Other
POLITICS					
THE SOCIAL CONTRACT					

*This rating of concepts can be accomplished with each pair of documents as illustrated above or the same exercise can be used as a summative exercise including all of the documents. Rating scale can be checks, cross-reference of points, paragraphs, etc.

Remember, the "key" to any active discussion depends on the teacher's ability to listen to student/student, teacher/student responses and turn those responses back to the student or group in an appropriate question that elicits more cognitive responses and more follow-up questions on the part of all the participants.

Thus, briefing and debriefing occur as part of the same lesson.

BIBLIOGRAPHY

The Annals of America. Chicago: Encyclopedia Britannica, Inc., 1968.

Great Book of the Western World. Chicago: Encyclopedia Britannica, Inc., 1952.

Starr, Todd and Curti, *Living American Documents New Edition.* Atlanta: Harcourt Brace Jovanovich, 1971.

"GOOD MORNING, AMERICAN VOTERS"

Janet Kakishita and Susan Marcus

West Sylvan Middle School
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INTRODUCTION

We The People . . . It always seems to come back to these three words, the words which underscore the role of the people in our democracy. Every four years on a national basis, we as educators have the opportunity to help prepare students for their future roles as voters participating in this democracy. Because democracy is never completed, there are no final answers. No final votes. As the times change, the answers change and evolve with our thinking. Our students, in just a few short years, will take their places in the voting booths, informed (or uninformed), ready to contribute to the answers our society will need at that time.

Whether our students are prepared for this responsibility depends on us and how we use this opportunity of the actual election to make this responsibility meaningful. The more chances students have to become informed about the issues and personalities before us in 1988, the more chances they have to practice citizenship skills, like expressing an opinion or voting. The more opportunities they have to work together with other students in analyzing opposing viewpoints and the rationales for those viewpoints, the better their chances to become the participating, informed voters of the future and the kind of "We the People" we want as part of our democracy.

The following three lesson plans represent an involvement-oriented approach to teaching about some of the current issues facing voters in 1988, a strategy for making voting more than just a parroting of parental voting, and the opportunity for students to analyze voting outcomes and speculate on future consequences of the voting and possible future changes in election procedures. The lessons try to make the issues as personally relevant as possible. They employ cooperative learning and future strategies as well as law-related education techniques. They are designed for middle school or junior high, but may easily be used in high school. The lessons are designed for three class periods, but there are many ways to extend the teaching time and deepen the students' involvement in the lessons and/or the optional activities.

These lessons were developed through the CRADLE program. (Center for Research and Development in Law-Related Education, Wake Forest University School of Law, Winston-Salem, North Carolina.)

We hope you will enjoy using these lesson plans with your students. An election offers us exciting opportunities to discuss issues with our students. Through their study of the election, we hope that our students will be better prepared to take their place in our open-ended and constantly changing democracy as part of "We the People".

ABSTRACT

This lesson prepares the students for the election experience by examining current events, interviewing voters, and listening to speakers who have participated in the process themselves.

RATIONALE

It is important for middle school students to practice citizenship skills. The goal is to encourage greater and more informed participation for these students as they become adults.

AUDIENCE

Middle School or Junior High School students.

GOALS

The students will:

- gather background information on the election;
- research current events;
- use media;
- share discussion;
- reference appropriate periodicals;
- listen to, and form an opinion on four election issues.

TIME TO COMPLETE

The basic lesson is designed for one class period but extensions may require up to five class periods.

MATERIALS

1. Vocabulary flash cards
2. Group packet (Teacher generated collection of information from **Vote**, sample ballot, voter registration cards, and current events on election issues and candidates).
3. Each group will need a copy of the packet, and teacher-made ballots.

PROCEDURE, PART ONE

1. Warm-Up: Each student gives a ten second news flash with any election information he or she knows. Teacher models with excitement and enthusiasm. "We interrupt this broadcast to announce that . . . has withdrawn from the presidential race!!! Stay tuned for details." (5 minutes)
2. Using the warm-up as a bridge, teacher displays flash cards with vocabulary which relates to the election process. Examples of vocabulary include primary/caucus, party convention, nomination, campaign, general election, electoral vote, and inauguration. Students identify those terms they know and seek definitions or explanations for unfamiliar words. Students place the words in chronological order. (5 mintues)

PROCEDURE, PART TWO

1. **Jigsaw Activity.** (Small group information sharing about elections)
   A. Teacher describes the purpose of this group activity: "Today we are going to learn now an election works by reading short articles, sharing information, and forming opinions in our groups."
   B. Teacher divides students in home groups of four. Teacher hands out packets. Teacher assigns each student in the home group a different article.
   C. Home group students separate into same article groups. Same article groups break into groups of four. In article groups, students are to identify the main issues. (Suggested topics for articles: Issue of 18 year old voting, voter apathy, explanation of voting process.) Article group members are to report back to their home group with an oral summary of the article, a response to the election issue/issues in their article, and their opinion of the issue/issues.
2. **The Informed Voter Speaks Activity.** After all four articles are presented to the home group, each student writes a short paragraph on how he/she feels about each issue. (Example of a sentence starter—"After listening to _____ ,I _____ ." Students may wish to share response with home groups or the class. (20 minutes)
3. **Sample Ballot Walk Through Activity**
   A. Divide the class into two groups.
   B. Distribute teacher-made sample ballots to students.
   C. Go over ballot directions and categories with students. Do not allow students to mark on ballots.
   D. Students return ballots so that they can vote during the next class period. (10 minutes)

DEBRIEFING

Teacher asks students "What will we be doing in class tomorrow? What will you need to know?" (Answer: mock election, how to vote) (5 minutes)

EVALUATION

Small group summaries and paragraph reaction papers demonstrate mastery of basic facts and their use in forming opinions.

TIPS FOR THE TEACHER

This unit will be more effective if the students are accustomed to discussing current events in their classroom on a regular basis.

OPTIONAL ACTIVITIES

Interview a parent or any other registered voter with the following questions:

Did you vote in the last election?
How do you decide which way you will vote?
On the candidates' records? On the issues?
What advice would you give a first time voter?

Be prepared to return to class and graph or chart your answers.

Select an election topic in which you have an interest. Read the printed handout provided by the teacher and demonstrate what you have learned by constructing a poster, banner, or mobile.

4. Draw a political cartoon strip showing your reaction to one of the issues presented.

LESSON TWO

FATAL ATTRACTION AT THE POLLS

ABSTRACT

This lesson is a simulation of an election. It begins

with some time for the prospective voters to learn about the candidates and the issues. Students need to complete lesson one before beginning this activity.

RATIONALE

Students learn by doing and they will be able to transfer this experience into a real life situation. This active participation is an important part of developing citizenship skills.

AUDIENCE

Middle school or junior high school students.

GOALS

The students will practice decision-making skills by:

- analyzing and participating in the registration process;
- examining candidates and issues;
- participating in a mock election.

TIME TO COMPLETE

Basic lesson is designed for one class period.

MATERIALS

1. Transparencies of voter registration forms
2. 5 x 7 note cards
3. League of Women Voters' **Vote** magazine
4. Teacher revised and shortened sample ballots
5. Voting results worksheet.

PROCEDURE

"What is voter registration?" (Teacher displays overhead transparency of voter registration form.) Teacher should ask question: "Should voters be required to register before they vote?"

1. Divide the class into two large groups. One group is to think of all the reasons why registration helps the democratic process. The other group is to think of all the reasons why registration hurts the democratic process.
   a. Teacher provides context by asking "What if" questions such as "What if there were no registration for voters? How would that make a difference?"
   b. Teacher allows one minute for students to think through ramifications.
   c. Teacher allows two minutes for students to elicit student comments.
2. Register To Vote Activity
   a. Using 5 x 7 cards, students create their own registration forms. They are to include information that they think is important to the registration process.
   b. Students trade and fill out registration forms.
   c. Teacher questions: "What questions were easy to fill out? Which were difficult or unfair? Why?"
   d. Teacher collects cards. Two students may be selected to act as registrars. They check forms for complete information and make poll book.

(10 minutes)

3. Mini-Debates on Candidates and/or Issues.
   a. Assign four students to each campaign or issue group (there can be current local, state or national issues/candidates on the ballot). Student One will make the first pro argument. Student Two will make the first con argument. Student Three will make the pro rebuttal statement. Student Four will make the con rebuttal statement. Each side has a time limit of thirty seconds to make both statements. Statements are not to be longer than one sentence. Allow time for teacher instructions and modeling of activity.
   b. Students break into groups of four and prepare arguments. Use campaign information (League of Women Voters' **Vote** magazine for issues and Voters' pamphlet for candidates) as a resource to prepare for presentation.

(5 minutes)

   c. Use timekeeper as groups present their arguments.

(10 minutes)

   d. Close this activity by asking students:
      - How did you feel?
      - What frustrated you in getting information?
      - What are some other ways voters can find information about issues and candidates?
      - What should voters do if they do not have information about voting topics?

(3 minutes)

This leads into the actual voting activity.

4. Students vote on teacher-prepared ballots.
   a. All registered voters (We did this at the beginning of this class period) will receive shortened student ballots. Follow voting procedure for your state.

(5 minutes)

   b. As students finish voting, ask them to make a list of words which describe their reaction to the voting process, to create a slogan which would encourage reluctant citizens to vote, or to comment on what was the most difficult part of making the voting decision.

5. As a debriefing activity students can share their responses.

(2 minutes)

OUT OF CLASS ASSIGNMENT

Voting Results Worksheet for students to follow election returns.

EVALUATION

1. Warm-up allows students to examine the rationale for registering to vote.
2. Mini-debate: students synthesize facts in order to support opinions on issues and candidates.
3. Voting: Students participate in an election.

TIPS FOR THE TEACHER

1. For the mini-debate, teacher should model the activity with an issue which is different from those which students will explore. Examples: chewing gum in class, the concept of detention.

2. Optional activities:
   a. Brainstorm: list factors which influenced voting such as positions taken by the candidates, amount of advertising, word of mouth, etc. Ask students to respond to the list by indicating which factor was most influential for them. This could lead to an in-depth discussion of how people make voting decisions.
   b. Survey others in the community on a candidate or issue of special interest to the student. Student will use this to predict outcome and compare with actual election results.
   c. Students who have prior knowledge of absence should apply for an absentee ballot by writing down their reasons for not being available.

*Voting Results Worksheet follows this lesson.

LESSON THREE
THE LAST AMERICAN EMPEROR

ABSTRACT

This lesson is a simulation of the election process. Students will compare the voting results of their class with the actual results from the general electorate.

RATIONALE

Students learn by participating in simulations of real-life experiences. By internalizing and personalizing the voting experience, students develop a greater concern and interest in the outcome of the election. Activities are designed to enhance the students' skills of analyzing outcomes and projecting election issues into the future.

TIME TO COMPLETE

Basic lesson is designed for one class period.

AUDIENCE

Middle school or junior high school students.

GOALS

The students will:

- tally the ballots and debrief the results of their class vote;
- share information on the results of the election with their class election;
- engage in speculation about local or national consequences of the election and about future changes in election procedures.

MATERIALS

1. Class ballots
2. Media articles
3. Transparency of ballot for overhead projector
4. Student assignment sheet on election results
5. Placards for listing ballot issue or candidate race
6. Future probe sheet.

PROCEDURE

1. Warm-up: Students predict the outcome of one ballot items from yesterday's election simulation.

   (3 minutes)
2. Using the warm-up activity as a bridge, students determine actual results of their class election.
   a. Distribute one ballot to each student in the class.

b. Teacher should select a student to tally the votes on the overhead ballot.
c. Teacher selects a student or students to call out ballot items and report orally the number of votes for each items.
d. As ballot items are called out, students raise their hand to indicate voting on their ballot. (10 minutes)
e. Class voting: Teacher asks: "Did any results surprise you? If so, what and why do you think it turned out that way?" (Answers: the number of voters, the margin on candidates or issues, the media blitz, how the class results differed from their individual voting results) Question: "If nothing surprised you, what were the clues that told you what was going to happen?" (Answers: voter apathy, previous elections) (5 minutes)

3. Students will share the results of the election by discussing the student assignment sheets and comparing them to the outcome of the class vote through the result line activity.
4. Result Line Activity:
   a. Designate three sections of the room to indicate Won, Lost, and Undecided.
   b. Prepare a number of placards, or sheets of paper, with the topic of ballot or a political race written in large letters. Distribute one placard each to groups of four students.
   c. Direct each group to "huddle" and together come up with answers to the following questions: (Each group member is responsible for reporting one of these.)
      1. What was the result of your ballot measure or political race in your class? (Won, Lost, Undecided).
      2. What was the result in your state?
      3. Why do you think the results came out as they did?
      4. What consequences of this voter decision might occur in your community? (5 minutes)
   d. Distribute "Political Analysis Sheet". Explain to class that they will be keeping track of the information reported to the class and that they will be analyzing one issue that interests them from the information reported to them.
   e. Model the activity using one of the groups and placard topics. Have each group indicate its topic results by moving physically to the designated section of the room and displaying its placard to the class. Model the cooperation of each group member by students reporting the results of their "huddle". Have students record information on their Political Analysis Sheet.
   f. Continue result line activity allowing each of the groups to report and physically take their place on the result line. After each presentation, students update their Political Analysis Sheet.
   g. Students share with whole class their analysis of one issue that interests them.
   h. Debriefing:
      Based on the information gathered through the comparison of class and state voting results, students will predict some future events using the future probe sheet. (10 minutes)
5. Directions for using the Future Probe Sheet. (attached)
   a. Check for student understanding of directions on handout by completing the first question in class.
   b. Students fill in handout. When completed, students may add other conditions in which they have an interest.
   c. Teacher uses probe questions to encourage futuristic thinking. Example: "Which conditions are most probable? Why? Which are most desirable? Why? What could be done to achieve the desirable conditions? What are the possible consequences of each condition?"

EVALUATION

1. Tallying the class votes and discussing the results involves students personally in the voting experience.
2. Result line activity allows students to synthesize and analyze information to make future predictions about elections.

TIPS FOR THE TEACHER

Accept unusual ideas and uncertainties with positive responses to encourage students to try out their thoughts in a risk-free environment. These issues may have no "right" answers.

OPTIONAL ACTIVITIES

1. Continue the future probe activity by asking students to develop additional conditions which affect the election process. This could be an extra-credit/homework activity.
2. Invite a defeated candidate to discuss the high and low points of the campaign and suggestions for improving the process. Create a story/cartoon/skit about the election.

BIBLIOGRAPHY

Belina, Tom, Echaore, Susan and Friedland, Mary. *Electing the President*. Janus Book Publishers Inc., 2501 Industrial Parkway West, Hayward, CA 94545.

Bill Of Rights In Action. Newsletter published by the Constitutional Rights Foundation, 6310 San Vicente Blvd., Los Angeles, CA 90048.

Election 88, The Race For The Presidency, General Motors c/o Tel Ed Inc., 7449 Melrose Avenue, Los Angeles, CA 90046.

League of Women Voters of the United States. 730 M. St., NW, Washington, DC 20036 (How to Judge a Candidate and How to Watch a Debate).

Gill, Nancy. *Electing Our President*. Fearon Teacher Aids, David S. Lake Publishers, 19 Davis Drive, Belmont, CA 94002.

Jenkins, Steve and Spiegel, Susan. *Excel in Civics*. West Publishing Company, 50 West Kellog Blvd., P.O. Box 64526, St. Paul, MN 55164-0526, 1985.

Junior Scholastic. P.O. Box 644, Lyndhurst, NJ 07071-9985.

Polsby, Nelson W. and Wildavsky, Aaron. *Presidential Elections*. Macmillan Inc. 866 Third Ave., New York, N.Y. 10022. 1988.

Schiller, Sherry. *Teaching Constitutional Issues with a Futures Perspective*. Countdown 2001, 5635 Utah Ave. N.W., Washington, DC 20015.

Search. P.O. Box 644, Lyndhurst, NJ 07071-9985.

Smith, Mary Magruder. *American Government*. Revised by William McClenaghan, Allyn and Bacon, 1982.

Update. P.O. Box 644, Lyndhurst, NJ 07071-9985.

Update on Law-Related Education. American Bar Association, 750 North Lake Shore Drive, Chicago, IL, 60611.

Vote. League of Women Voters, a Nonpartisan Report on Ballot Measures and Candidates.

Voters' Pamphlet. Contact your Secretary of State.

Voter Education Curriculum Guide. National Association of Secondary Principals, 1904 Association Drive, Reston, VA 22091. 1980.

ELECTION ACTIVITY IDEAS FOR A PRESIDENTIAL ELECTION

1. Write a political advertisement for a candidate/issue. Include the main reasons for voter support.
2. Collect five election current events and write a summary of each which stresses the main themes.
3. Write an election vocabulary list with at least ten terms. Include the definitions and illustrations.
4. Create a campaign slogan. Illustrate the slogan with a bumper sticker, a balloon, a button, a banner, a t-shirt or video.
5. Survey three adults on a campaign issue and record the results.
6. Keep an election log for five school days before the election.
7. Pick one issue and write the major pro and con arguments.
8. Predict the winners in the election with a headline and include the reasons for your prediction.
9. Develop a political cartoon on an election issue.
10. Create a plan to encourage 18 year olds to vote.
11. Interview an office-holder or candidate. Record the costs and benefits to the person.
12. Write and/or record a political song, poem, jingle, chant or rap.
13. Clip out a political poll and explain its significance.
14. Design a new "party animal" (wolf, donkey, elephant).
15. Using a paper doll, design an outfit for a candidate. Explain your choices.
16. Write a letter to a student in the U.S.S.R. explaining our election system.
17. Write a short children's book for first graders about our election.
18. Send a news flash back to your native Mars about our election.
19. Design a voting machine for the future.
20. Write a letter to an elected official about an opinion you have. Mail a copy.
21. Plan an election party including menu, decorations, invitations.
22. Write a job description for an election security person (Secret Service), or an hour by hour daily report.
23. Create the perfect candidate by combining qualities of others, e.g. _____ 's height _____ 's eyes _____ 's voice _____ 's intelligence _____ 's sense of humor.
24. Collect ten different pieces of campaign literature. Choose the most effective and tell why.
25. Write the one-minute script you would use to convince someone to run for public office.
26. List five kinds of people who should **not** be allowed to vote and explain your reason for each.
27. Write a travel packing list for a candidate on a campaign swing and explain your choices.
28. Role-play a newspaper or TV reporter trying to get an interesting campaign story.
29. Cut out and re-write part of a campaign speech from a newspaper or magazine. Use language that is easy to understand.
30. Outline the plot for a soap opera based on the election. Or choose a detective story, sit-com or mystery.

31. Based on biographical facts about Bush and Dukakis, describe what they were probably like when they were in middle school.
32. Choose one or more categories and compare Bush and Dukakis. Be creative! Favorite sports, favorite music, hero or heroine, favorite menu, favorite vacation, favorite clothes, favorite color, favorite car, favorite movie, book or TV show.
33. You have been elected President of the United States. Write and deliver a one minute inauguration speech.
34. Create presidential candidate "baseball cards" with the picture or sketch on the front and the facts on the back.
35. Write a budget for a political campaign. Include the items and the approximate cost.
36. Write a diary entry for a losing candidate the day after the election.
37. Argue: "Voters should be paid if they vote."
    "Citizens should be fined if they do not vote."
38. Create a word search or a crossword puzzle with election vocabulary. Include the key.
39. Outline the steps to a simplified/improved process of electing the President.
40. Model a "Presidential Political Fitness Program" ... aerobics, running, meditation???
41. Design campaign stationery for a candidate or an issue.
42. Design a board game called "Road to the White House". Object of the game is to give all your "political contribution bucks" away. Did you decide on the right candidate.?
43. Pretend that you are running for political office. If you could have anyone in the world as your campaign manager, who would you choose? Why?
44. Find a state in the United States that you think will vote the same way as Oregon in the presidential election. Explain why you made the decision.
45. Compare the political attitudes of students your age with the political attitudes of those who are allowed to vote in this country. How are they different? What is most important to each group when they vote?
46. Prepare a voter's test that you would give anyone who would like to vote for President of the United States. Include the answers to your test.
47. List all the issues you think are important to voters in 1988 and then try to put them in rank order. Examples: world peace, environment, the economy, AIDS, etc.
48. Listen to televised political debates, speeches and advertisements and make a list of the most frequently used words.
49. Research a presidential election of the past and write a short report, or describe an election in the future.
50. Collect Election Trivia for a trivia game.
51. Write a "Dear Abby" and response on an election problem.

Name _____

Period _____

VOTING RESULTS WORKSHEET

Directions: Choose one or more candidates/issues to record information on this worksheet.

CANDIDATE/ISSUE	VOTING RESULTS	SOURCE: NEWSPAPER, TELEVISION, RADIO, WORD OF MOUTH, ETC	TIME THAT RESULTS WERE REPORTED	EXTRA CREDIT: COMMENTS OR INTERESTING OBSERVATIONS

FUTURE PROBE WORKSHEET

Decide whether the statement on the left can or will happen. Then decide if you want it to happen. You can choose all three if it is appropriate. Write your best reasons under the statement.

CONDITION	CAN HAPPEN	WILL HAPPEN	WANT TO HAPPEN
1. Presidential candidates will be selected by a committee of political party members.			
2. All state primaries will take place on the same day.			
3. Voters will be required to register six months before the election.			
4. People will vote in their homes or place of work with a computer-like device.			
5. The winners of our state primary will become the candidates of their party.			
6. Vice presidential candidates must be of the opposite sex, geographical area and background from the presidential candidate.			
7.			
8.			

Name _____
Period _____

POLITICAL ANALYSIS SHEET

Issue/Candidate	Won	Lost	Undecided	Results	Consequence

Choose one issue/candidate that interests you. Examine the information above. Explain why that issue or candidate interests you. Include in your political analysis responses to the following questions: Do you agree or disagree with the results? Why? What is your opinion as to why that issue/candidate has won, lost, or is undecided? What other consequences may result from this voter decision?

"THE INVASION OF A PARENT'S PRIVACY ..., OR IS IT?

Joe R. Sanchez

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INTRODUCTION

This is a lesson on privacy, based on the Bill of Rights' Fourth Amendment, in which probable cause for search and seizure of their parents is provided by minor children to law enforcement officers.

Though the lesson is self explanatory, concepts herein may be presented individually or after completion of Chapter I (Introduction to Law) and Chapter II (Criminal Law) in *West's Street Law* (2nd or 3rd editions).

The instructional methodologies used in this lesson are case study, survey and role play.

RATIONALE

This lesson provides an awareness of parent vs. child's rights in the area of search and seizure. The courts have recently recognized "probable cause" provided by a minor child. This lesson allows for both parents and children to examine their values regarding privacy and equal protection under the law, thereby fostering an appreciation of and respect for each other's privacy.

Objective A - Demonstrate knowledge and understanding of the United States Political System (Judicial Branch) and the individual rights and responsibilities within that system.

Objective B - Respond to written materials by comparing and contrasting, summarizing, surveying, analyzing, criticizing, making inference and hypothesizing.

Objective C - Understand and use written instructional material such as law-related text books and magazines.

AUDIENCE

Grades eight through twelve.

TIME TO COMPLETE

One week (5 days, 40 to 55 minute class periods).

GOALS

Students will:

- examine and apply privacy issues;
- become aware of court precedents in areas of privacy;
- become sensitive to parents' right to privacy.

MATERIALS

1. *Privacy: The Evolution of a Legal Concept.*
2. PARENTS' AND CHILDREN'S SURVEY.
3. PRIVACY ROLE PLAYS.
4. PARENT PRIVACY CASES: INSTRUCTIONS (Optional, see instructional notes).
5. PARENT PRIVACY CASES: *Diehl v. State of Texas* (Optional, for source see instructional notes).
6. PARENT PRIVACY CASES: *Raymond v. State of California* (Optional, for source see instructional notes.)

PROCEDURE

1. Introduce the topic of Privacy/Search and Seizure and a child's legal position in providing the police with evidence and/or testimony about their parents' drug use by asking the students to review Handout 1. Using *Privacy: The Evolution of a Legal Concept*, have students trace and discuss the historical development of the right to privacy and the Fourth Amendment protection against unreasonable search and seizures. You may wish to relate to students how the Supreme Court's composition and other factors affect a majority decision.
2. Following the discussion on Privacy/Search and Seizure, explain to the students that you wish to examine a specific application of their rights. Next hand out the survey and encourage families to complete the survey together or alone. Tabulate answers in response groups; share, discuss, and draw conclusions.

   The Y/N category is for answers that are "yes but," and "no but" answers. This is due to wording or moral and ethical values a student/parent would want to explain, but cannot on the form.

(NOTE) Handout 4: Parent Privacy Cases; Handout 5: *Diehl v. State of Texas* and Handout 6: *Raymond v. State of California* examine the topic of probable cause and search and seizure. They may be obtained by writing to Special Lessons in Citizenship Education (SLICE). See bibliography for address. If you choose not to do the Parent Privacy Cases, move to step 4 by setting up for role plays.

3. Make the transition between survey and privacy cases and then relate cases to decisions in Handout 1: *Privacy: Evolution of a Legal Concept.* Additionally you may wish to see how *Katz* Guidelines fit.
4. Make the transition between the case studies and the role plays. Explain the purpose of role play. (See Teacher's Edition of *West's Street Law* - 2nd Edition 1980.) You might want to use the role plays as your evaluation during the activity. You can gauge whether or not student s understand the legal concept of privacy as outlined in Handout *1: Privacy: Evolution of a Legal Concept.* In the debriefing section of your role plays talk about the changes of opinion (pre-post lesson) on the topic of privacy. Do be creative and invent your own role groups.

EVALUATION

Activities as called for by each handout 1-6.

TIPS FOR THE TEACHER

Present with enthusiasm.

BIBLIOGRAPHY

Arbetman, Lee P., O'Brien Edward L. and McMahon Edward T. *Street Law 3rd ed.* New York: West Publishing Co., 1986.

Author unknown, *Evolution Of A Legal Concept: The Right To Privacy.* Place of Publication unknown. Wake Forest School of Law, 1988. Available from Special Lessons in Citizenship Education, (SLICE) Wake Forest University, P.O. Box 7206, Reynolda Station, Winston-Salem, NC 27109

West Law Computer Search, *Diehl v. State of Texas,* (cite 698 S.W. 2nd, 712) (1985).

West Law Computer Search, *Raymond v. State of California* (cite 19 Cal. App. 321) (1971).

HANDOUT #1

PRIVACY: THE EVOLUTION OF A LEGAL CONCEPT

ENGLISH COMMON LAW - officials ought to announce their purpose to inhabitants of a dwelling before entering it and may use force only if inhabitants resist the officials.

1668 - Codification of Writs Assistance—the writs empowered custom officers to demand assistance from other officials and bystanders when conducting general searches of important businesses.

1765 - *Ewitck v. Carrington*—the judge forbade the use of seized personal papers since such use violated the protection against self-incrimination. Private property was inherently sacred and any invasion of it was trespassing. While officials could inspect private papers under certain circumstances, the disclosure of personal information was wrong.

1791 - Amendment IV to the Constitution of the United States of America. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

1791 - Amendment V to the Constitution of the United States of America. No person . . . shall be compelled in any criminal case to be a witness against himself . . .

1791 - Amendment IX to the Constitution of the United States of America. The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

1868 - Amendment XIV to the Constitution of the United States of America. No states shall deny a person of life, liberty or property without due process or deny a person equal protection of the law.

1928 - *Olmstead v. U.S.*—Supreme Court decided that wiretaps were constitutional. The defense argued that Fourth and Fifth Amendment rights of the defendant were violated. The Court rejected the Fifth Amendment claim since no one compelled the defendant to speak over the telephone. The Court decided that the Fourth Amendment only applies to material things—the person, house, papers or effects. Search warrants must specify the place to be searched and the person or things to be seized. Since a wiretap did not involve any searching or seizing, it did not constitute a search. It was left up to Congress to decide whether or not to protect secrecy of telephone calls.

In dissent, Justice Brandeis commented, "Discovery and invention have made it possible for the government ... to obtain disclosure in court of what is whispered in the closet. Moreover, in the application of our Constitution, our contemplation cannot be only what has been, but of what may be. Ways may some day be developed by which the government, without removing papers from secret drawers, can reproduce them in court, and by which it will be enabled to expose to a jury the most intimate occurrences of the home. The makers of our Constitution ...conferred, as against the government the right to be let alone ... the most comprehensive of rights, and the right most valued by civilized men."

1939 - *State v. Nelson*—under the 1879 Connecticut law the state closed a birth control clinic and seized the contraceptives. The attorneys for the defendants filed a demurrer stating that married couples possess a natural right which protects their decision regarding procreation. The judge sustained the demurrer but on the grounds of a doctor's right to prescribe medicine. On appeal the Connecticut Supreme Court of Errors rejected the lower court ruling and found the law constitutional. The Court ordered the case sent to trial but the state dropped the charges.

1965 - *Griswold v. Connecticut*—In overturning the above mentioned Connecticut law on birth control, the Supreme Court decided that "specific guarantees in the Bill of Rights have penumbras, formed by emanations from those guarantees that help give them life and substance," which "create zones of privacy." These rights include the First Amendment's protection of the right of association, the Third Amendment's prohibition of quartering of troops in homes, the Fourth Amendment's guarantee against unreasonable searches and seizures, the Fifth Amendments's protection against compulsory self-incrimination, and the Ninth Amendment as a means to justify the establishment of the "zones of privacy."

1967 - *Katz v. U.S.*—The Supreme Court found that the wiretapping of a person's telephone conversation in a public phone booth without receiving judicial authorization was unconstitutional. By entering the booth and closing the door, the person "sought to exclude . . . the uninvited ear." "What a person knowingly exposes to the public, even in his own home or office, is not a subject of Fourth amendment protection . . . but what he seeks to preserve as private, even in an area accessible to the public, may be constitutionally protected."

***KATZ* TEST/GUIDELINES**

(A.) A citizen has a subjective expectation of privacy.

(B.) Such expectation must be one that society is prepared to recognize as reasonable.

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HANDOUT #2

PARENTS' AND CHILDREN'S PRIVACY SURVEY

( ) PARENT ( ) CHILD ( ) OTHER

DIRECTIONS: Check above as applicable. For each statement below circle either A for agree, D for disagree, U for undecided, YN for yes but . . . and no but . . ., and DK for don't know.

1. Drug use nationwide is high.
   A D U YN DK
2. Drug use in my community is high.
   A D U YN DK
3. People should be secure in their papers, house and effects against unreasonable searches and seizures.
   A D U YN DK
4. In regard to children their parents should be secure in their papers, houses and effects against searches and seizures.
   A D U YN DK
5. In regard to parents their children should be secure in their papers, houses and effects against searches and seizures.
   A D U YN DK
6. Today's generation is heading toward being "drug free."
   A D U YN DK
7. Parents should be able to provide probable cause for the search and seizure of their children's papers, houses and effects against searches and seizures.
   A D U YN DK
8. Children should be able to provide probable cause for the search and seizure of their parent's papers, effects, and houses.
   A D U YN DK
9. A parent's home is his castle.
   A D U YN DK
10. A child's room is his castle.
    A D U YN DK
11. Parents should not use drugs in the presence of their children.
    A D U YN DK
12. Children should not use drugs in the presence of their parents.
    A D U YN DK
13. It's ok for parents to do drugs but not their children.
    A D U YN DK
14. It's ok for children to do drugs but not their parents.
    A D U YN DK
15. Parents are responsible for their children's drug education.
    A D U YN DK
16. The parent/child relationship is the basis upon which our society is founded and should be protected constitutionally.
    A D U YN DK

HANDOUT #3

PRIVACY ROLE PLAYS

DIRECTIONS: Have students in groups develop role plays for the following situations. Roles can be reversed, i.e. parent is child and vice versa. Other roles to be identified are police and friends of parent or child. Role plays should include as many of the previously mentioned characters as possible. The following steps should be followed:

1. Develop role play
2. Preparation/Warm up
3. Conduct role play
4. Debriefing

PARENT ROLE PLAYS

1. Design an incident where parents are in possession of drug paraphernalia.
2. Design an incident where parents have friends over for a party.
3. Design an incident where parents are "boozing it up."
4. Design an incident where parents are selling drugs from their home.
5. Design an incident where parents are doing drugs and children walk in.
6. Design an incident where parents are counseling their children about drugs.

CHILDREN ROLE PLAYS

1. Design an incident where a child is busted by parents with drugs.
2. Design an incident where child comes home drunk.
3. Design an incident where child is saving drugs for a friend.
4. Design an incident where parents are gone, child invites friends over for a party.
5. Design an incident where child is in possession of drug paraphernalia.
6. Design an incident where parents have violated their child's privacy.

INCARCERATED JUVENILES AND THE FIRST AND FOURTEENTH AMENDMENTS: Responsibilities and Freedoms

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INTRODUCTION

Youths that are locked up have given up certain freedoms by virtue of being sentenced to a correctional facility. However, they retain many of the rights guaranteed in the Constitution. This lesson will explore some of these freedoms, rights and responsibilities through the use of questionnaires, discussions research and readings.

RATIONALE

The purpose of this lesson is to acquaint fifteen to nineteen year old students (who actually function at fifth and sixth grade level) with their First and Fourth amendment rights and freedoms, and to help them gain an understanding of how the Constitution protects these rights. Likewise, this lesson serves to help students understand their duty to recognize and protect these same rights and freedoms of others.

AUDIENCE

Fifteen to nineteen year old students in a juvenile facility.

TIME TO COMPLETE

Four to five class periods.

GOALS

- The students will gain an understanding and appreciation of our First and Fourth amendment rights and responsibilities.
- The students will identify and examine the First and Fourth amendments.
- The students will research the meaning of the First and Fourth amendments.
- The students will gain an understanding of historical ideals included in the Constitution.
- The students will become familiar with these terms: (a) privacy, (b) search, (c) reasonable, (d) warrant, (e) consent, (f) justifiable, (g) probable cause.
- The students will compare and contrast the relationship between rights and responsibilities.
- The students will become familiar with the privacy provisions of the Fourth amendment.
- The students will gain an understanding of the legality of searches under the Fourth amendment.

MATERIALS

1. Handout on court case *Tinker vs. Des Moines.*
2. Teacher-made test.
3. Handout on court case *Katz vs. United States, Goss vs. Lopez* and *Doe vs. Renfroe* (citations are available in the Table of Cases)

PROCEDURE

Activities/Techniques

a. The teacher will read the First and Fourth amendments to the class. (Note to the teacher: The Bill of Rights and the Preamble should be read and/or introduced to students prior to the lesson.)
b. The students will work in groups to analyze and write their own meanings of the First and Fourth amendments.
c. The teacher will list and assign words for each group to define and use in sentences (word list: freedom, press, assemble, rights, search, authority, seizure, consent).
d. Students will design a poster showing current newspaper articles on privacy.
e. The teacher will read hypothetical situations to the class and the class will determine which part of the First and Fourth amendments have been violated.
f. The students will explain the warrant requirement and what it protects.

g. The teacher and students will role play a search and seizure incident.

BIBLIOGRAPHY

Aten, Jerry. *Our Living Constitution Then and Now* (Carthage, IL: Good Apple, Inc., 1987).

Emens, Elizabeth C. *Social Studies Curriculum Guide Grade 5* (Montgomery, AL: State Department Publication, 1987), A list of state social studies requirements.

Tanning, Dr. Paul. *Alabama Course of Study Social Studies* (Montgomery, AL: State Department Publication, 1986).

UNITED STATES IMMIGRATION POLICY BOON OR BUST?

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INTRODUCTION

Students will be presented with an overview of American Immigration policy from the First Federal Immigration Law implemented in 1875 through the Immigration Reform Act of 1986. A comparative analysis of world trends in immigration and emigration will also be discussed. Opposing viewpoints on the immigration controversy will be presented to elicit student involvement and discussion. Through lecture, classroom discussion, role playing, conflict resolution, historical perspective, and future implications, the student will be able to analyze the immigration dilemma and formulate an informed opinion on possible solutions and effective legislation.

RATIONALE

The United States has greatly benefited from the millions of immigrants that have come to its shores. Though there have been numerous negative reactionary movements against particular immigrant groups, this nation needs to balance this with all of the positive contributions and benefits that can be directly attributed to these immigrants. With this planet's ever growing population problem and the shrinking of available natural resources, the United States as a world leader must set the proper course for a realistic and humanitarian immigration policy.

The content of this lesson plan would fit in the curriculum of American democracy in studying the U.S. role in international affairs, domestic public policy, economic problems, and the study of the inherent power of the federal government. In American history, this unit could be used in studying the concept of the "melting pot" theory, the effects of immigrant contributions, or as a current issue which needs to be resolved as seen through a historical perspective.

AUDIENCE

American history, eleventh and twelfth grades. American government and problems of democracy, twelfth grade.

TIME TO COMPLETE

Three to ten class periods depending on depth of lesson plan implemented.

MATERIALS

1. Relevant lecture information on immigration and its implications through U.S. history.
2. Current trend in immigration policy worldwide.
3. Time-line on the history of U.S. immigration.
4. Vocabulary word list, terms/concepts (Handout 1), opposing viewpoints (Handout 2), role play, values clarification, conflict resolution, and discussion questions.

PROCEDURE, PART ONE

As an introductory assignment, have the students explain/define all of the words on the immigration vocabulary list. Then using the time-line as a general overview, explain the historical significance of immigration on the United States from a political, economic, and sociological perspective. Be sure to emphasize the reasons behind the changes in American immigration policy and the results that this policy has brought about. Explain the contribution made by immigrants such as Henry Kissinger and Albert Einstein as well as the concept of the thirteen colonies originally consisting of immigrants, united in an effort to create a sovereign state.

There are many tangents and related issues that can be addressed such as famine, disease, overpopulation, terrorism (PLO), poverty, and the United Nations, but, these must be handled according to the amount of time one wishes to allocate to this lesson and the individual instructor's goal as well as expertise.

The current trend and effect of immigration upon the United States needs to be presented in a manner that is objective so that students can formulate their own concepts on a method of dealing with the controversy. Have the students read and discuss the opposing viewpoints that are included in this lesson plan as well as the key terms/concepts in order to get a fair overview of the immigration issue.

PROCEDURE, PART TWO

Role playing-conflict resolution. Creation of scenario through which the student can comprehend and feel why immigrants desire to enter the U.S. and how difficult it is to decide who may or may not immigrate.

Assign specific roles:

- Mexican itinerant farm worker
- Haitian unskilled peasant
- Asian displaced by civil war
- Cuban scientist
- Black South-African artist
- Russian athlete
- Palestinian refugee

1. Each prospective immigrant should be assigned a defense attorney and prosecutor to develop their particular rational basis for and against accepting these immigrants. The class can be the judge and jury for the Immigration Naturalization Service with the teacher as facilitator in deciding the outcome of these individual cases.
2. Mock legislature—Students draft their own immigration legislation going through the entire legislative process from the committee system to the final vote on the floor of congress.
3. As a conclusion, brainstorm using the futures wheel on both the positive and negative effects of immigration on the United States. As facilitator, be sure to allow as much latitude as possible to the students in expressing their opinions during classroom discussions.

EVALUATION, PART ONE

Discussion questions:

1. In what particular way can U.S. immigration policy affect other nations?
2. What have been some of the positive effects of immigration upon the U.S.?
3. What are some of the negative implications economically, culturally, politically and socially to the U.S. if illegal immigration were to go unrestricted?
4. Identify specific immigrants who have contributed to bettering American society?
5. What factors were responsible for encouraging our early immigration policy?
6. What were the first major attempts at restricting immigration into the U.S.? Why?
7. On what grounds does the Constitution possess the power to control immigration?
8. What share of the world's natural resources does the U.S. consume and control?
9. Explain why you feel the Immigration Reform ACT (1986) will be a positive or negative measure in dealing with illegal immigration.
10. Explain the rationale behind Garrett Hardin's "tragedy of the commons."

EVALUATION, PART TWO

A. Short answer tests from relevant timeline, vocabulary list, terms/concepts, opposing viewpoints and lecture material.
B. Mock legislature where students draft possible legislation to address immigration dilemma.
C. Pro/Con debates in the classroom on the immigration issue.
D. Essay on how the student feels the immigration issue should be dealt with at the national level.

TIPS FOR THE TEACHER

I realize the depth and scope of this lesson plan is quite broad. I suggest the instructor delete, shorten or add to any specific areas which he/she feels needs to be altered. Even if only one specific piece of the lesson plan were to be implemented, such as role playing or drafting legislation, it should prove to be a positive learning experience for those involved.

BIBLIOGRAPHY

Burr, John R. and Goldinger, Milton. *Philosophy and Contemporary Issues*. New York: Macmillan Publishing Co., 1984.

Carwile, John and Zack, David R. *Current Issues*. Arlington, Virginia: Close Up Foundation, 1987.

Chafferty, Pastora San Juan: Chiswick, Barry P.: Greely, Andrew M; and Sullivan, Teresa A. *The Dilemma of American Immigration*. New Brunswick, New Jersey: Transaction Books, 1984.

"This Disappearing Border." *U.S. News and World Report*, August 19, 1985.

Hardin [illegible] *Filters Against Folly*. New York: Pe[illegible].

Hud[illegible]nald L., Arthur F. Corwin, and Gordon J. Macdonald. *Illegal Immigration: Job Displacement and Social Costs*. Monterey, VA.: American Immigration Control Foundation, 1985.

Kennedy, John F. *A Nation of Immigrants*. New York: Harper and Row, 1964.

LeMay, Michael C. *From Open Door to Dutch Door*. New York: Praeger, 1987.

Mandelbaum, Seymour J. *The Social Setting of Intolerance*. Glenview, ILL.: Scott, Foresman and Company, 1964.

Mertz, Gail, Sue McLaughlin and Bonnie Simmons. *Immigration*. Boulder, Colorado; Safeguard Law Related Education.

Organization for Economic Co-operation and Development. *The Future of Immigration*. Paris, France 1987.

Plesser, Donna R. *Immigration and Illegal Aliens-Burden or Blessing?* Plano, Texas: Information Aids Inc., 1987.

Pozo, Susan. *Essays on Legal and Illegal Immigration.* Kalamazoo, Michigan: W.E. John Institute for Employment Research, 1986.

Steiner, Dale R. *Of Thee We Sing.* New York: Harcourt Brace, Jovanovitch, 1987.

Thomas, Lydio F. *In Defense of the Alien.* New York: Center for Migration Studies, 1987.

HANDOUT #1

IMMIGRATION VOCABULARY LIST

acculturation	deportation	ideological	national	reactionary
alien	discrimination	immigration	naturalized	reform
amnesty	displacement	inherent	oath	refugee
anarchy	emigration	interdiction	passport	sanctuary
asylum	ethnic	itinerent	persecution	segregation
bilingual	exclusion	jus sanguinis	pluralistic	special immigrant
census	expatriation	jus soli	quota	visa
citizenship	homogeneous	migration	racism	xenophobic
denaturalization	humanitarian			

KEY TERMS AND CONCEPTS

1. **Controlled Border/Fortress America** — massive mobilization to close United States border in order to prevent further illegal immigration.
2. **Culture of Poverty** — characterized by the anthropologist Oscar Lewis wherein Third World peasants move into rural slums of cities sharing a culture characterized by suspicion and fatalism.
3. **Disappearing Border** — the push north by urban poor Latin Americans through illegal immigration overwhelming the United States border from Mexico.
4. **Displaced Persons** — individuals or families who no longer have a homeland due to civil war, strife, famine, or natural disasters.
5. **Global Village** — concept introduced by Marshall McLuhan relating to our ever shrinking planet. Due to technological advances, what occurs in one country often has implications world-wide.
6. **Half Open Door** — policy of patrolling the U.S. border but still allowing hundreds of thousands to enter the country.
7. **Immigration Reform Act of 1986** — Immigration Policy which attempts to stem the tide of illegal immigrants into the U.S. Includes sanctions against employers who hire illegal aliens and an amnesty program for illegal immigrants who entered prior to 1982.
8. **Job Displacement** — the individual's loss of economic opportunity or job due to employment of a lower salaried illegal immigrant.
9. **Know-Knothings** — A nativistic group who, in 1849, joined together in an effort to preserve America and Americans. This was aimed at Catholic immigrants, particularly the Irish.
10. **Lifeboat Ethics** — an analogy comparing the United States to a lifeboat adrift in a turbulent ocean. The lifeboat only has a certain capacity which, if exceeded, will spell disaster for all aboard. What do you morally do with thousands of drowning individuals floundering about the boat? Take them aboard and sink or allow them to drown? The lifeboat is the United States and the floundering individuals are the citizens of the Third World nations.
11. **Melting Pot** — concept relating to the results of American immigration. Immigrants assimilated into American society adding and absorbing to and from American culture.
12. **Open Door Policy** — the policy of American immigration prior to the first federal immigration restrictions, allowing virtually unrestricted access to the United States.
13. **Population Time Bomb** — concept explained by Paul Erlich, which refers to the negative future impact of the worlds' ever increasing population.
14. **Pressure Relief Valve** — the idea that a half-open door policy allows many Mexicans to enter the U.S. and find employment, relieving some of the economic and political pressure on the Mexican government.
15. **Sanctuary Movement** — current movement in the United States which is attempting to illegally aid and facilitate illegal immigration.
16. **Spaceship Analogy**—environmentalists use the metaphor of the earth as a spaceship in trying to persuade countries, industries, and people to stop wasting and polluting our natural resources. Since we all share life on this planet, they argue, no single person or institution has the right to destroy, waste, or use more than its fair share of its resources.
17. **Tragedy of the Commons** — refers to the nature of individual human greed. If humans are not controlled by a higher force, such as government, their greed will spell disaster for all. If farmers share a pasture without any limits, restrictions, or control, they will eventually overgraze it, thereby destroying it. Garrett Hardin relates the U.S. as this common pasture that, without immigration control, will be destroyed.

HANDOUT #2

OPPOSING VIEWPOINTS - PRO-IMMIGRATION

Ellie Wiesel — awarded the 1986 Nobel Peace Prize. Survivor of a German concentration camp, the final solution for the Jews during WW II. He feels that we as a people must learn from past errors such as allowing Hitler to overrun Europe, and thinks that isolationism was a possible alternative. The U.S. needs to show solidarity and compassion in aiding and saving the underprivileged and starving of the underdeveloped world.

Julian Simon — pro-immigration and pro-population economics professor. All immigrants and refugees, no matter how many, are good news for the American economy. They contribute more than their share of tax revenues, are at a productive age requiring little investment in social capital such as public education, and create more jobs for the economy than they displace.

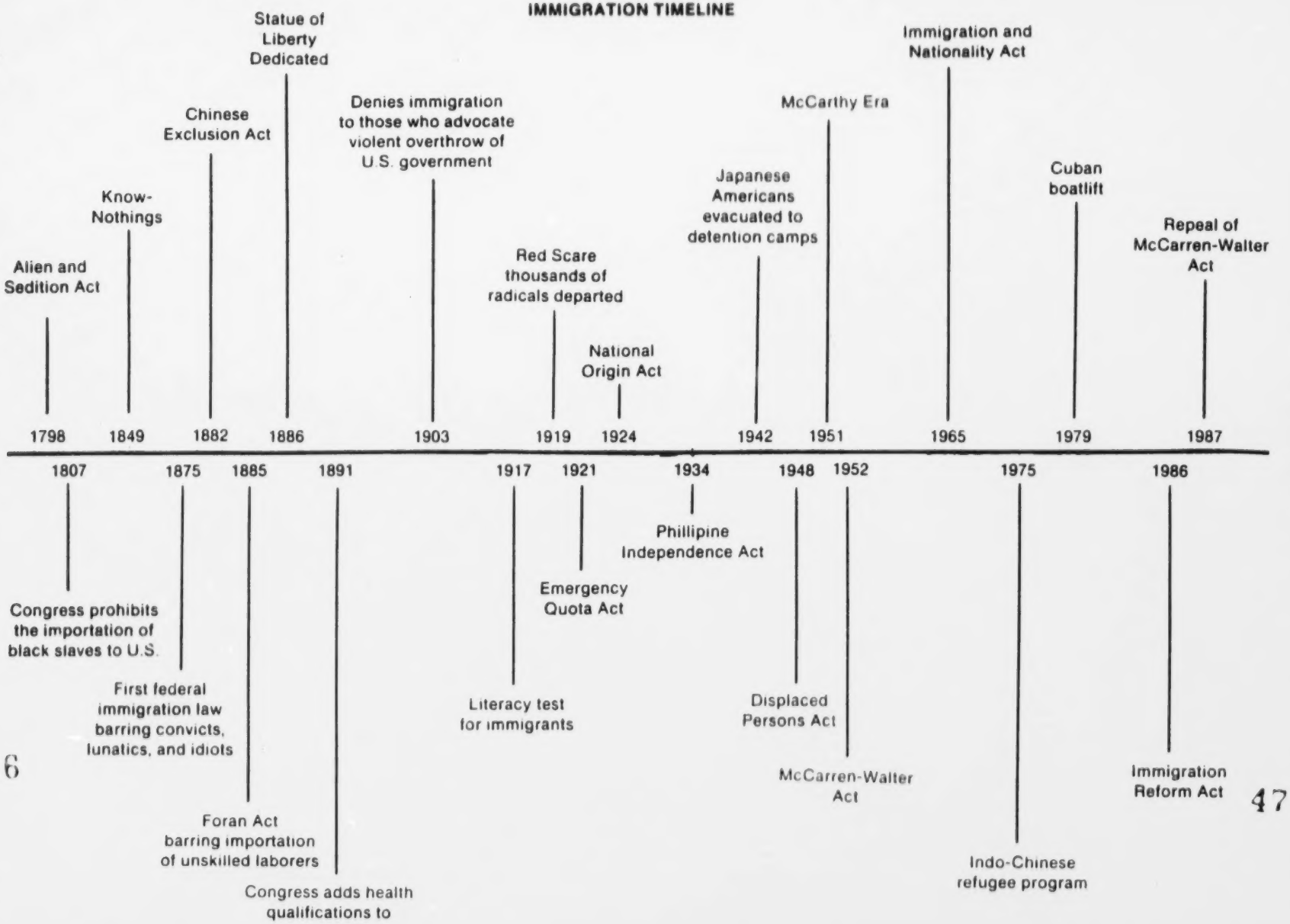
Pete Singer — author and philosophy teacher in Australia. He feels that it is man's moral duty to aid and assist the world's poor as much as it is humanly possible. The world seen as a "global village" makes it imperative for industrialized nations such as the U.S. to share its wealth, technology, and resources with the less fortunate. We must be willing to give up some of our affluence if the planet is to survive.

OPPOSING VIEWPOINTS - ANTI-IMMIGRATION

Garrett Hardin — an eloquent and controversial ecologist who is against immigration and the sharing of America's resources and wealth with the Third World. He is a proponent of the "tragedy of the commons" as well as "lifeboat ethics." The "Spaceship Analogy" has no rational basis, for he feels a spaceship must have a captain, and the earth has no recognized leader; therefore, the spaceship analogy is based on a false assumption. He is pro-abortion and supports population control, and states that we must be guided by rational thinking rather than bleeding hearts.

Donald L. Huddle — is a professor of economics at Rice University and an active member of The Immigration Control Foundation. He feels that the U.S. must control immigration, particularly illegal immigration due to its massive negative economical impacts. Immigrants displace thousands of American workers, produce lower wages, create a bilingual society, lead to occupational safety problems, as well as an increase in smuggling, encourage crime, disease, and are an overall drain on the American economy due to nonpayment of taxes and benefits from social security, welfare, public education and medical facilities.

IMMIGRATION TIMELINE



WOMEN'S RIGHTS AND LEGAL STATUS

Carm Chavez

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INTRODUCTION

This lesson is designed to help students understand the history of women and the law. Several cases will be used in which the students can see how the Fourteenth and Fifth amendments apply to the legal status of women. Students will interpret these cases and will reach a decision as to what they feel the judges decided.

RATIONALE

The purpose of this lesson is for students to better understand the reasons for the laws of this country as they differ between men and women. Laws differ between the police state and the U.S. government, but what applies to a state does not necessarily infringe on someone's rights when it comes to the Constitution.

AUDIENCE

This lesson is appropriate for juniors and seniors but could be used with advanced sophomores.

TIME TO COMPLETE

Two class periods of fifty-five minutes each.

GOALS

- Students will gain a better knowledge of women's rights and legal status through the development of women's history.
- Students will gain an understanding of how the Fourteenth and Fifth amendments relate to women's rights.
- Students will gain an understanding of how the legal status of women has been affected through Supreme Court decisions.
- Students will gain an understanding of differing laws between States and the United States Government and how the Government tries not to interfere in a State's law unless it is unconstitutional.

MATERIALS

1. Handout #1 (Early History on Women's Rights and Legal Status).
2. Handout #2
3. Handout #3
4. posterboard and markers

PROCEDURE

1. Distribute Handout #1 to each student. This can be given as a homework assignment or may be read in class. If handed out for homework you may possibly give a short quiz on the material the next day for a daily grade.
2. Ask a legal resource person to provide you with explanations of the Fourteenth and Fifth amendments which students will use to decide the cases that they will work on.
3. Divide the students into five groups. Cut apart, Handout #2, at the dotted lines each of the five cases. Present each group with one of the five cases.
4. Instruct students that they are to read the material before them and list the facts of the case and the issues at hand.
5. At this point several methods can be used, depending on the time and the level of the class. Examples: Pro Se Court, decision making techniques. Have students decide how the Supreme Court found in each case and give reasons for their findings.
6. Groups will assemble together and each group will give the facts of their case and their findings.
7. Allow students time to discuss within the large group to question the rights for each group finding as they did and how the other group might have decided differently.
8. Distribute Handout #3 and allow students to see how the Supreme Court ruled and reasons given for their ruling. They will see how the Supreme Court interprets the Fourteenth and Fifth amendments.
9. Give each group a piece of poster board and markers and allow the students to cartoon their interpretation of the decision reached by the Supreme Court. This will allow students to use their creative skills in formulating these cartoons. Place them on the bulletin board for display once these are turned in.

HANDOUT #1

EARLY HISTORY ON WOMEN'S RIGHTS AND LEGAL STATUS

Early history has shown us that women have had fewer rights than their male counterparts. It wasn't until the 20th century that women won the right to vote and increased their educational and career opportunities.

Historically, women have not only been thought of as inferior to men but also as sources of temptation and evil. It was Eve who first tempted Adam into biting into the forbidden fruit; similarly, Pandora opened the forbidden box and brought plagues to the world. Roman law described women as "forever inferior to men."

Early theological attitudes of women were basically the same. Women were regarded as disciples of the devil. Thomas Aquinas, a 13th Century theologian describes women in this way, "created to be man's helpmeet, but her unique role is in conception . . . since for other purposes men would be better assisted by other men."

In a few areas of the world, such as in India, women were not deprived of property rights or individual freedoms by marriage. The Hindus on the other hand, would not allow women to own property, widows could not remarry, women had to walk behind husbands and be subservient to them. In both the East and West male children were preferred to females.

In Colonial America, only adult males, who owned property could vote; likewise girls were admitted to school only during the summer when the boys were working. A woman could expect to die before her husband because of hard work and poor medical facilities provided during childbirth. The husband was sole guardian over the children, had complete control over his wife, and divorces were seldom granted.

Women's inferiority greatly influenced the legal status of women under common law in England, and unmarried women could own property, sue or be sued. A married woman, on the other hand, gave up her rights to her husband. A man virtually owned his wife and children during the early history of the United States. Women were considered material possessions and a man could do with them whatever he wished. He could send his children to the poorhouse and there was nothing the mother could do. A few communities did allow women to sue for property and to own property only if their husbands agreed.

Equity law was established in England and it emphasized the principle of equal rights rather than tradition. It had a profound effect on the legal rights of women in the United States. A woman could now sue her husband. Several states allowed women to own property separate from their husbands, but divorce laws did not change. A husband kept legal control of both children and property.

By the 19th century, women were entering the work force. Again rights were abridged and women often worked in poorly ventilated, crowded rooms. They would work up to twelve hours per day. In 1847, Great Britain passed a 10-hour work day, but it was not until 1910 that the United States began to pass legislation limiting working hours and improving working conditions of women and children.

Some labor laws passed for women were seen as restricting the rights of women. In some places they could not hold supervisory positions because the law limited them to eight hour days and this position might require overtime. Women were not allowed to hold certain positions that required heavy lifting, and women were not payed equally for the same job held by men. The Equal Pay Act of 1963 required equal wages for both men and women doing the same job.

There was still discrimination for divorced or single women who applied for credit cards or wanted to purchase a house or car. A woman's right to privacy was violated when a mother receiving welfare payments was subject to frequent investigations in order to verify her welfare claim.

Sex discrimination existed in some areas of the United States. A woman who shot and killed her husband was accused of homocide, but a man committing the same crime was accused of a "passion shooting."

Women were prosecuted although their male counterparts were released. Women were restricted in abortions unless their lives were in danger. In 1973 the Supreme Court ruled that states could not interfere with a woman's right to an abortion.

In Colonial America, women worked primarily as seamstresses or kept boarding houses. Some women did hold professional jobs such as doctors, teachers, writers, lawyers, and singers. But by the 19th century the only acceptable occupation for working women was that of a factory laborer or domestic worker.

Prior to the 1800's medical schools were virtually nonexistent, so anyone could practice medicine. Obstetrics was the domain of the woman. Male midwives were prohibited. By the 19th century, schools for medicine and other professional careers were being built and professional opportunities for women were declining. The American Medical Association, founded in 1846, barred women from membership. Early in the 20th century, more and more women were attending leading medical schools. How were these changes brought about?

HANDOUT #2

Mrs. Myra Bradwell, a resident of the State of Illinois, made application to the judges of the Supreme Court of that State for a license to practice law. Her petition was accompanied by a certificate from a lower court as to her good character and to the validity of her qualifications. She filed an affidavit stating that she was born in Vermont, was a citizen of the United States, is now a citizen of the United States, and has been a resident for several years in Chicago, Illinois. She also filed an affidavit stating that she was entitled to a license by virtue of the second section of the fourth article of the Constitution of the United States, and the fourteenth amendment.

An Illinois statute states that a person cannot obtain a license to practice law without having first obtained a license from two justices of the Supreme Court *and* by practicing law within the State according to the laws and customs of that State. The second section of the act states that "no person shall be entitled to receive a license until he shall have obtained a certificate from the court of some county of his good moral character", and it is up to the court to decide who shall be admitted. The statute also stated that there were two limitations: first, the court would establish the terms of admission as well as promote proper administration of justice; second, it should not admit any persons or class of persons who are not intended by the legislature to be admitted even though their exclusion is not expressly required by the statute.

Mrs. Bradwell's application for a license was refused for this "sufficient" reason. "As a married woman, she would be bound neither by her express contracts nor by those implied contracts which it is the policy of the law to create between attorney and client." Mrs. Bradwell admitted that she was married, but filed an argument that she was very serious about receiving a license to practice law.

Mrs. Virginia Minor, a native born, free, white citizen of the United States, and of the State of Missouri, over the age of twenty-one years, wishing to vote for electors for President and Vice-President of the United States, and for a representative in Congress, and other officers at the general assembly, applied to Happersett, the registrar of voters, to register as a lawful voter. He refused.

His reason for not registering was that she was not a "male citizen of the United States," but a woman. Mrs. Minor sued him in a lower court, in the State of Missouri on the grounds that he had refused to place her name upon the list of registered voters and she was deprived the right to vote.

The Constitution of the State of Missouri states, "Every **male** citizen of the United States shall be entitled to vote." Under a statute of the State, all persons wishing to vote at any election must previously have been registered under the conditions of the statute.

The legislature of the State of Oregon passed an Act which stated, "That no female (shall) be employed in any mechanical establishment, or factory, or laundry in this State more than ten hours during any one day." The hours could be arranged so that women could work at any time as long as they did not work more than ten hours in a twenty-four hour period. Section 3 categorized a violation of the provisions of the prior sections as a misdemeanor, subject to a fine of not less than $10 nor more than $25.

Suit was brought against Joe Haselbock by the county of Multnomah and the State of Oregon for allowing a female worker to work more than the ten hours allowed. He was found guilty and sentenced to pay a fine of $10.

The defense argued that women were protected under the Fourteenth Amendment and could make contracts. The State argued that a woman's well-being was the object of public interest and the regulation of her hours of labor fell within the police power of the State.

A woman killed her husband and was convicted in a Florida state court of second-degree murder. She claimed that her trial before an all-male jury violated her rights under the Fourteenth Amendment. A Florida statute provides, in substance, that no woman shall be taken for jury service unless she volunteers for it.

She was charged with killing her husband by assaulting him with a baseball bat. She was charged with second degree murder. She feels that a jury consisting of women would have been more understanding or compassionate because of the husband's infidelity and his rejection of his wife's efforts at reconciliation. She felt that women had been discriminately excluded from serving on the jury.

A married woman Air Force officer sought increased benefits from her husband as a "dependent" under U.S. statutes. These statutes allow spouses of male members of the uniformed services to obtain increased quarters' allowance and medical and dental benefits, but that spouses of female members are not dependents unless they are in fact dependent for over one-half of their support. Her application was denied for failure to satisfy the statutory dependency.

She and her husband brought this suit in District Court, contending that the statues deprived service women of due process.

HANDOUT #3

Bradwell v The State — December, 1872

The fourteenth amendment declares that citizens of the United States are citizens of the State within which they reside; therefore, the plaintiff was, at the time of making her application, a citizen of the United States and a citizen of the State of Illinois. The plaintiff argued that admission to the bar of a State of a person who possesses the requisite learning and character is one of those which a State may not deny. Justice Miller, who delivered the opinion of the court, did not agree with the latter. He stated that there were certain privileges belonging to citizens of the United States, but the right to admission to practice in the courts of a State was not one of them. Citizenship of a State or of the United States was not a requirement of admission to the bar. There have been several prominent lawyers admitted to practice, both in State and Federal courts, that were not citizens of the United States. The judges upheld the decision of the lower court that Mrs. Bradwell's fourteenth amendment rights had not been violated. It is interesting to note that Justice Bradley concurred with Miller's opinion, but for different reasons. He stated, "That the paramount destiny and mission of women are to fulfill the noble and benign offices of wife and mother." He felt that it belonged to the police power of a State to decide what was best for women.

Minor v Happersett — October 1874

The Chief Justice delivered a majority opinion of the court. The word "citizen" is often used to convey the idea of membership in a nation. In that sense, women, if born of citizen parents with the jurisdiction of the United States, have always been considered citizens of the United States, even before the adoption of the fourteenth amendment to the Constitution. The right of suffrage was not necessarily one of the privileges or immunities of citizenship before the adoption of the fourteenth amendment and that amendment does not add to these privileges and immunities. It simply furnishes an additional guarantee for the protection of such as the citizen already had. At the time of the adoption of that amendment, suffrage was not coextensive with the citizenship of the State; nor was it at the time of the adoption of the Constitution. Neither the Constitution nor the fourteenth amendment made all citizens voters. A provision in a State constitution which confines the right of voting to **"male"** citizens of the United States," is not a violation of the Federal Constitution. In such a State women have no right to vote.

Muller, Plaintiff In Error v The State of Oregon — February, 1908

The court stated that the woman's physical structure and the performance of maternal functions place her at a disadvantage which justifies a difference in legislation. As healthy mothers are essential to vigorous offspring, the physical well-being of woman is an object of public interest. The regulation of her hours of labor falls within the police power of the State, and this statute does not conflict with the due process or equal protection clauses of the Fourteenth Amendment. The right of the State to regulate the working hours of women rests within the police power as well as the right to preserve the health of the women of the State. The statute of Oregon of 1903, providing that no female shall work in certain establishments more than ten hours a day, is not unconstitutional so far as respects laundries.

Hoyt v Florida — November, 1961

The right to an impartially selected jury, assured by the Fourteenth Amendment, does not entitle one accused of crime to a jury sympathetic to the circumstances of the particular case. It requires only that the jury be indiscriminately drawn from among those in the com munity eligible for jury service. The Florida statute is not unconstitutional on its face, since it is not constitutionally impermissible for a State to conclude that a woman should be relieved from jury service unless she herself determines that such service is consistent with her own special responsibilities. There is no evidence that Florida has arbitrarily undertaken to exclude women from jury service.

Frontiero v Richardson - May, 1973

Classifications based upon sex, race, alienage or national origin, are inherently suspect and must be subjected to strict judicial scrutiny. Statutes providing, solely for administrative convenience, that spouses of male members of the uniformed services are dependents for purposes of obtaining increased quarters allowances and medical and dental benefits, but that spouses of female members are not dependents unless they are in fact dependent for over one-half of their support violate the due process clause of the Fifth Amendment insofar as they require a female member to prove dependency of her husband. Justice Brennan who delivered the opinion, stated that women have long been held as inferior to men. He feels that "women still face pervasive, although at times more subtle, discrimination in our education institutions, in the job market and perhaps most conspicuously, in the political arena.

BIBLIOGRAPHY

Burke, Mary P. "Women's Status." *Encyclopedia Americana*, Grolier Incorporated, (Danbury, Connecticut, 1985), pgs. 111a-112.

Compton's Encyclopedia. "Women and Women's Rights." F.E. Compton Company, (Chicago, 1979), pgs. 213-216.

Court Cases

Bradwell v Illinois, 83 U.S. 130 (1873), 130-142.

Minor v Happersett, 88 U.S. 162 (1875), 162-178.

Muller v Oregon, 208 U.S. 412 (1908), 412-423.

Hoyt v Florida, 286 U.S. 57 (1961), 57-69.

Frontiero v Richardson, 411 U.S. 677 (1973).

DECISION ON AARKHON

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INTRODUCTION

This lesson gives students an opportunity to project themselves into the 21st century. It should be used as a follow up to a study of the U.S. Constitution. The lesson can be implemented in three ways: as a large group activity, a small group activity, or a combination of the two. Materials are provided for role playing.

RATIONALE

The 21st century is rapidly approaching. The 20th century has seen social and technological advances beyond the wildest dreams of the framers of the U.S. Constitution, but with those changes have come problems not thought of more than 200 years ago. In this lesson students will put themselves into the same position occupied by men like Franklin, Madison, Hamilton, and the other 52 men who attended the convention in Philadelphia in 1787. This time the place is a planet in space, and the time is the year 2087.

The students will be asked to make decisions on issues important to the time, while role playing a specific delegate with a specific personal background.

AUDIENCE

Honors and Advanced Placement eighth grade to regular twelfth grade.

TIME TO COMPLETE

Approximately two weeks.

GOALS

Students will:

- use critical thinking skills;
- be able to use knowledge of the U.S. Constitution and decisions of the Supreme Court;
- recognize that issues of the 21st century will be similar to those of present day;
- recognize that an individual's personal experiences can influence one's decisions;
- recognize that the basic needs of a society do not really change;
- recognize that the protection of individual rights is ongoing.

MATERIALS

1. Copy of the U.S. Constitution
2. Delegate biographies and interest cards
3. Committee instructions
4. Point cards
5. Supreme Court cases relevant to issues

PROCEDURE, PART ONE

This lesson is to follow a study of the writing and contents of the U.S. Constitution.

Day 1

1. Brainstorm with the class for possible issues that might test the U.S. Constitution in the next 100 years. List on the board.
2. Read to the class the scenario, "Decision on Aarkhon".
3. Divide the class into six groups (or whatever number is suitable).
4. Have group appoint a leader and a recorder.
5. Give each member of the group an appropriate biography card, and give the leader the committee's instructions. Before giving out the biography cards tell the students that they are to role play the person described on the card during all the decision making.
   Note: The biographies are designed to be used by boys or girls except in women's equality groups. Teachers and/or students may want to write their own biographies.
6. Instruct the leaders to read the instructions to the members of the group.
7. Direct the group members to research materials appropriate to their issues and write a proposal reflecting the personality each is playing.

PROCEDURE, PART TWO

Days Two through Five

1. Research and write proposals. Teacher should suggest some sources for each committee (See addendum).

PROCEDURE, PART THREE

Day Six

1. Explain the rules for debating issues.
   a. Students must be recognized by the leader before speaking.
   b. Each proposal must be voted on by the group.
   c. The group members may suggest changes which should be voted on.

   Note to teacher: If you prefer, allow students to make up their own rules for debating.
2. Begin debates in small groups. Recorders will keep a record of all proposals accepted by the committee.

PROCEDURE, PART FOUR

Day Seven

1. Complete small group debates.

PROCEDURE, PART FIVE

Days Eight and Nine

1. Each group will present proposals to entire class for debate and voting. (Note: Same debate rules should apply)

PROCEDURE, PART SIX

Day Ten

1. Debriefing

   The following questions should be discussed after the issues have been considered and voted on.
   a. Do you see any similarities between your discussions and those the framers of the U.S. Constitution had in 1787?
   b. Do you think when your committee projected itself into the future it found the issues to be the same or different from those of today?
   c. Did you have trouble staying in character? Explain.
   d. Do you think a person's "emotional baggage" can be left behind? Why or why not?
   e. What other issues do you think should have been addressed that weren't?

EVALUATION

Teachers will want to note the following:

1. Did the student stay in character?
2. Was the argument based on facts or purely emotional?
3. Did the argument reflect research?

TIPS FOR THE TEACHER

- Encourage the students to use their imaginations.
- Have each student wear a name tag with the name of the person he/she is playing. Desk name plates could also be used.
- If a two week period is too long let the students discuss all or some of the issues as a whole class, or do only the small groups. In these cases character profiles would not be needed.
- Have students spend one period debating in character and then allow them to drop the character and debate as themselves. If this is done ask them in debriefing if they changed their views when they changed characters.
- Add a game atmosphere by awarding points during debates. Use point cards furnished. Points are awarded as follows:
  a. Three point cards when group accepts a proposal with no changes.
  b. One point card when the group accepts a proposal with changes or a compromise is reached. Each person involved in the change or compromise gets a card.
  c. Two point cards are lost if a proposal is rejected. This should encourage compromise.
  d. Same rules in large group discussion.

  Note: Give an appropriate award to the student or group with the most points.

BIBLIOGRAPHY

Encyclopedia of the American Constitution. New York: Macmillan Publishing Co., 4 volumes. 1986.

Kutaler, Stanley I., Editor. *The Supreme Court and the Constitution*. 3rd ed., New York: W. W. Norton and Co. 1984.

Sexton, John and Nat Brandt. *How Free We Are*. New York: M. Evans and Co., Inc. 1986.

Trailmarks of Liberty Series. Boston: Houghton Mifflin Co. "Great Cases of the Supreme Court" 1971, "Vital Issues of the Constitution" 1975.

ADDENDUM

Suggested Supreme Court cases for research:

Privacy - *Katz v U.S., Griswold v Connecticut, New Jersey v T.L.O., Mapp v Ohio, Camara v Municipal Court, Berger v New York, Terry v Ohio, Bivens v Agents of the Federal Bureau of Narcotics.*

First Amendment - *Tinker v Des Moines, Brandenburg v Ohio, Gitlow v New York, N.Y. Times Co. v U.S., Sullivan, Hazelwood School District, et al, Petitioners v Cathy Kuhlmeier, et al.*

Women - *Minor v Happersett, Bradwell v Illinois, Reed v Reed, Frontiero v Oregon, Muller v Oregon.*

Fourteenth Amendment - *Brown v Board of Education of Topeka, Heart of Atlanta Motel, Inc. v U.S., Weber v Aetna Casualty and Surety Co., Plessy v Ferguson, Dred Scott v Stanford, Korematsu v U.S.,* (These apply to both groups 5 and 6).

Juvenile Rights - *In re Gault, In re Winship, Tinker, & Hazelwood.*

Voting - *Harper v Board of Education* (poll tax). Also consider the Grandfather clause and other post Civil War laws.

Interplanetary Relations - Look up maritime law and see if it would compare to conditions in space.

DECISION ON AARKHON

SCENARIO

In the year 2087 the nation of Aarkhon has just completed its first constitution. Aarkhon is the first independent nation in space. Most of the population are first or second generation Aarkhonians who trace their ancestors back to the first space miners. The miners came to the planet from Earth in 2037. The original mining company was formed by the United States, but miners were recruited from most of the Earth's countries.

Life on Aarkhon was hard from the very beginning. The atmosphere required the humans from Earth to use special equipment in order to survive. As the years passed, research and equipment improvements made life easier. The mining company had strict laws which were designed to protect the artificial atmosphere and the workers. Anyone violating them suffered harsh punishment, even death.

Nevertheless it soon became clear that the mining camp was more than a temporary settlement. Miners brought their families to Aarkhon. Schools, churches, and businesses were added to the mining community. Like the London Company in 1609, the mining company allowed miners to claim land and form a representative government in keeping with the U.S. Constitution. The original laws which were in accordance with the Constitution, had not been changed since 1987.

In 2085 the minerals on the planet became too expensive to mine and ship back to Earth. The mining company withdrew its financial support, leaving the inhabitants of Aarkhon with a choice; return to Earth or stay and build a new nation. A few returned, but many, who by this time had built homes, businesses and even farms (in greenhouses which supplied most of the planet's food) decided to stay.

For two years the new nation struggled to stabilize its economy and convince the countries on Earth that it was a legitimate government. The first problem that Aarkhon had to solve was what type of government they should form. Although the people were of many national backgrounds they decided that representative type of government such as that described in the seven articles of the U.S. Constitution would best suit their needs. What the Aarkhonians did not agree on was what individual rights should be included in their constitution. So in 2087 a convention has been called to add a list of rights to the new Aarkhonian constitution.

Thirty citizens have been chosen to write a Bill of Rights for the new nation. The delegates must consider the following issues:

1. Should the rights listed in the U.S. Bill of Rights be retained? (Particularly 1-8)
2. Is privacy adequately protected in light of the enormous advancement in technology since the fourth amendment was written?
3. Are women granted equality?
4. Should protecting the environment be included? Where does Aarkhon's jurisdiction begin?
5. Should the rights of special groups such as aliens, the homeless, handicapped, and juveniles be considered?
6. Should citizenship and/or voting rights be withheld from anyone?

COMMITTEE INSTRUCTIONS

Group 1 - Bill of Rights

It is your job to write a Bill of Rights for the new Aarkhonian constitution. You may include, change, or delete any of the amendments found in the Bill of Rights to the U.S. Constitution. You may also add any rights you feel are necessary for citizens of a new nation in the 21st century and beyond, but not found in the U.S. Constitution. Your committee should consider what changes you think have come about since the U.S. Constitution was written and what changes will probably take place in the future.

Group 2 - Privacy

Your group is concerned with whether or not the people of Aarkhon have a right to privacy. Consider the fourth amendment to the U.S. Constitution. Does it provide enough protection? Has the great progress in technology in the 20th and 21st centuries allowed our privacy to be invaded in ways we don't even know about? Consider how a computer might be used to gain access to your private records. Also consider whether the law should protect all or some. Read some 20th century Supreme Court cases on fourth amendment violations. Also consider how much personal information a company or business should be allowed to require from employees or clients and customers.

Group 3 - Women's Rights and Equality

In the 20th century the ERA, Equal Rights Amendment, failed to be ratified. It is your committee's job to determine whether it is necessary in the 21st century to include an amendment to the Aarkhonian constitution which will put into writing certain rights for women. Consider what the needs of a new nation might be. Remember that this nation is made up of people of widely differing backgrounds. If there is no provision will there be inequality, or did all the nations on earth progress far enough in the 20th century in equality of the sexes so that it is no longer a problem? Also consider which areas of life need to be pinpointed for legal action.

Group 4 - Environment

The environment on Aarkhon is not equal to that of Earth, and therefore can be lethal to humans. From the beginning it was necessary to create an atmosphere suitable for human life as well as the plants and animals necessary to human life. Therefore an artificial atmosphere was created. Science has progressed to a point where the environment on Aarkhon is nearly 100% of that on Earth.

A shielding device has allowed the landscape to be developed much like that of Earth, but the device is only effective five miles above the ground. Special entrances and exits have been created in the shield to allow space ships to shuttle back and forth to Earth. The shield protects Aarkhon from the poisonous atmosphere beyond it, but it also holds any manmade pollutants. Your committee must decide if there is a need to include an amendment or amendments on environmental protection. Also consider if there is any pollution beyond the shield, and if so, who should make laws about it? Where does Aarkhon's jurisdiction end?

Group 5 - Equality for Minorities
(Fourteenth amendment)

The U.S. Constitution provides for some protection of minorities, but it does not consider people like the handicapped, aliens, the homeless, or juveniles specifically. Your committee must decide if there is a need for amendments to protect groups like these. Keep in mind that now that man has conquered space and created a new world that this is only the beginning. In the next few centuries Aarkhon might be the home of people you have yet to imagine. Will nonhumans be treated equally? What about innovations in the medical profession? If a brain is transplanted which person is the recipient — the one who donated the brain or the one into whose body it was placed?

Group 6 - Citizenship and Interplanetary Relations

Your group must look far into the future. Some day man will venture beyond the stars, and some day another life form may appear on the planets man has settled in our Solar System. How will man deal with these beings? Should Aarkhon prepare for this and include amendments dealing with citizenship and interplanetary relations? How far does Aarkhon's jurisdiction extend? Who make laws for the space ships and their crews?

DELEGATE BIOGRAPHIES

(Place on index cards)

Bill of Rights Committee

A. Delegate - Tashi/Gregor Stronin Age - 45
Ethnic Origin - Russian Religion - none
Education - Engineering Degree, Moscow University
Occupation - Civil engineer working for transportation department
Interests — Retain amendments 2 & 3, eliminate amendments 1 & 4, negotiate 5, 6, 7, & 8

Note: Either ethnic origin or ethnic background may be used.

B. Delegate - Carol/Carl Day Age - 36
Ethnic Origin - American Religion - Presbyterian
Education - Divinity Degree, Yale University
Occupation - Minister
Interest - Retain amendments 1, 3, & 4, elminate 2, negotiate 5, 6, 7, & 8

C. Delegate - Suzi/Joseph Tanaka Age - 52
Ethnic Origin - Japanese Religion - Shinto
Education - Business Administration Degree, Harvard University
Occupation - Bank president
Interests - Retain amendments 4, 5, & 6, eliminate amendments 2 & 7 (or increase amount), negotiate amendments 1, 3, & 7

D. Delegate - Roberta/Robert O'Brien Age - 23
Ethnic Origin - American Religion - Catholic
Education - High School on Aarkhon
Occupation - laborer
Interest - Retain amendments 1, 2, & 4, eliminate amendments 5, 6, & 8 negotiate amendments 3 & 7

E. Delegate - Shandra/Malcolm Sims Age 31
Ethnic Origin - Ethiopian Religion - Methodist
Education - Education Degree, Oxford University, England
Occupation - Teacher
Interest - Retain amendments 1, 4, & 5, eliminate amendments 2 & 3, negotiate amendments 6, 7, & 8

Privacy Committee

A. Delegate - Denise/Dennis Taylor Age - 41
Ethnic Origin - Black American Religion - Baptist
Education - Law degree, Wake Forest University
Occupation - Attorney - Aarkhon Civil Liberty Union
Interest - Expand the right to privacy. Eliminate all technological listening and surveillance devices.

B. Delegate - Mikaila/Mikail Kalyshnikov Age - 25
Ethnic Origin - Russian
Religion - Russian Orthodox
Education - Police Academy - Aarkhon
Occupation - Police Officer
Interest - Give the government and particularly local police departments more freedom to use electronic and other technological devices when investigating a suspect.

C. **Delegate - Manuela/Manuel Gomez Age - 37**
Ethnic Origin - Salvadoran Religion - Catholic
Education - High School
Occupation- Sales Representative
Interest - Is afraid of police and believe they should have limited power. Does believe people who are drug dealers are exceptions and should be closely watched.

D. **Delegate - Rose/Ross Stein Age 56**
Ethnic Origin - Israeli, born in Tel Aviv
Religion - Jewish
Education - Political Science Degree, Columbia University, New York
Occupation - Junior College Professor Aarkhon Jr. College
Interest - Opposed to any form of electronic surveillance except when terrorism is suspected. Believes people of muslim faith should be monitored.

E. **Delegate - Christy/Chris Farber Age - 37**
Ethnic Origin - American Religion - none
Education - Medical Degree, University of California at Berkley
Occupation - Doctor
Interest - Has been deeply involved in a committee created to fight the rising drug problem in Aarkhon. Believes any means of surveillance is proper if it leads to capture and conviction of criminals.

Women's Equality Committee

A. **Delegate - Maria Longtree Age - 26**
Ethnic Origin - American Indian Religion - Baptist
Education - Biology Degree, University of Arizona
Occupation - Researcher
Background & Interest - Has been working on ways to improve life on Aarkhon for humans. Theories are not taken seriously by male researchers. Not able to advance in her profession.

B. **Delegate - Mioshi Toshiba Age - 31**
Ethnic Origin - Japanese Religion - Presbyterian
Education - Ph.D. Chemistry, Stanford University, California
Occupation - Medical Research
Background & Interest - Mother was a geology teacher at Tokyo University, but could not get a professorship despite very high qualifications. Mother felt it was because she was a woman so she accepted a job with the mining company and emigrated to Aarkhon. Both mother and daughter have been active in women's rights groups.

C. **Delegate - Sophia Marsetti Age - 71**
Ethnic Origin - Italian Religion - Catholic
Education - High School
Occupation - Retired office worker and mother of five
Background & Interest - Emigrated to Aarkhon with husband who was a laborer in the mines. Worked in the mining company office for 25 years as a clerk. Strong believer in her religion and the importance of the family unit.

D. **Delegate - Grace Parker Age - 48**
Ethnic Origin - Black American Religion - Baptist
Education - Masters Degree in Education, Indiana University
Occupation - High School Civics teacher
Background & Interest - Strong supporter of the new constitution and representative government. Believes all the people should have an active voice in policy making.

E. **Delegate - Mike Morrison Age - 28**
Ethnic Origin - American Religion - none
Education - 4 years at Michigan State, no degree
Occupation - Coaches football and basketball at a youth club
Background & Interest - Played football at Michigan State and was an All-American. Played one year pro ball, but was severely injured in an automobile accident caused by a drunken driver. His wife left him when it was determined that he would not play football again. Came to Aarkhon to begin a new life. Very active in youth programs.

Environment Committee

A. **Delegate - Barbara/Bart Atwood Age - 33**
Ethnic Background - Canadian
Religion - Episcopalian
Education - Biology Degree, Queens University, Ontario
Occupation - Biologist
Background & Interest - Researching the effect of pollutants in an artificial environment on human and animal life. Believes stricter laws are neded. Grandfather was active in fight with U.S. over acid rain.

B. **Delegate - Joanne/John Emerson Age - 49**
Ethnic Background - Australian
Religion - Lutheran
Education - High School
Occupation - Farmer
Background & Interest - Farms in a controlled environment, but lately has noticed pollutants are entering the environment due to increased manufacturing

C. **Delegate - Tommi/Tom Turner Age - 53**
Ethnic Origin - American Religion - Methodist
Education - Master in Business Administration, Harvard University
Occupation - Owns a company that makes industrial cleaners
Background & Interest - His/her company has been charged with violating both water and air pollution laws. He/she thinks it s a lot of nonsense.

D. Delegate - Lynn/Lionel Wang Age - 61
Ethnic Origin - Chinese Religion - Buddhist
Education - Medical Degree, University of Kentucky
Occupation - Oncologist
Background & Interest - Has been specializing in treating cancer victims. Number of cases of cancer seems to be on the rise. Fishes in a stocked lake as a hobby.

E. Delegate - Jackie/Jack Craigmore Age - 22
Ethnic Origin - American Religion - none
Education - High School dropout
Occupation - Umemployed at present
Background & Interest - Although she/he seems to be an unlikely choice for a delegate she/he was chosen. Has had several run-ins with the law. Has been convicted of poaching from a government game reserve.

Equality for Minorities Committee

A. Delegate - Josephine/Joseph Smith Age - 36
Ethnic Origin - Unknown Religion - Mormon
Education - 2 years computer science, Aarkhon Jr. College
Occupation - Computer repair & service
Background & Interest - Found abandoned in a church (Church of Jesus Christ for the Latter Day Saints) and raised in a foster home. Studied computer programming on a scholarship, but was unable to complete degree which required a university on the planet.

B. Delegate - Shaneka/Shanta Carter Age - 68
Ethnic Origin - Black South African
Religion - Methodist
Education - Nursing school
Occupation - Retired nurse
Background & Interest - Father took job with mining company as a foreman when she/he was eighteen. She/he went to the United States for nursing school which was paid for by the mining company. Upon graduation she/he worked in the company clinic. Family left South Africa because of difference with the government.

C. Delegate - Maxine/Max Gunter Age - 29
Ethnic Origin - German Religion - none
Education - High school
Occupation - Self-employed carpenter
Background & Interest - Great-grandfather was convicted of war crimes after WWII. Grandfather joined communist party when Germany was divided. Father didn't like life in East Germany and escaped to the West when delegate was sixteen. Father came to Aarkhon to begin a new life, but daughter/son (delegate) seems to be very interested in grandfather's and great-grandfather's activities. Is suspected of belonging to a neo-Nazi group.

D. Delegate - Martha/Martin Goldman Age - 57
Ethnic Origin - Israeli
Religion - Jewish Orthodox
Education - Sheva College, Israel
Occupation - Rabbi
Background - Emigrated to Aarkhon with a small group of Jews from Poland and Russia. Has written book on the Holocaust.

E. Delegate - Lydia/Lyndon Waters Age - 45
Ethnic Origin - American Religion - Christian
Education - Education degree Gaulladet College (for hearing impaired)
Occupation - Teaches blind and hearing impaired
Background & Interest - Has developed a system to aid the hearing impaired student to learn to speak more clearly. Was very active in college organization which fought for laws for the handicapped. Is deaf from birth and has lost most of the sight in one eye due to an inherited disease.

Citizenship Committee

A. Delegate - Olive/Omar Sadat Age - 38
Ethnic Origin - Egyptian Religion - Muslim
Education - Degree in Computer Science, MIT
Occupation - Computer Programmer
Background & Interest - Left Egypt when family was killed in terrorist attack.

B. Delegate - Suki/Tron Phong Age - 42
Ethnic Origin - Vietnamese-American
Religion - Baptist
Education - Aeronautical Engineering Degree, Cal Tech and NASA Astronaut Program
Background & Interest - Great-grandparents escaped from Vietnam and settled in Texas. Family suffered much abuse and was discriminated against for the first few years. When new laws were written in the town where they lived to prevent them from owning property, the grandfather went to court. Eventually the family won their case, but decided to move to another state where a Vietnamese community had developed. For two generations the family lived there. In 2042 the family moved to Aarkhon where the father was a mining engineer.

C. Delegate - Juanita/John Standing Bear Age - 75
Ethnic Origin - American Indian Religion - none
Education - Agriculture Degree
Occupation - Cattle rancher
Background & Interest - Grandmother and mother were Indian activists in America. Delegate left because she/he was not sympathetic to the cause. Thought it was useless and a waste of time. Wanted to start fresh in a new world where everyond is an alien.

D. Delegate - Katrina/Kurt Van Deter Age - 63
Ethnic Origin - White South African
Religion - none
Education - Mining Engineering Degree
Occupation - Retired vice-president in charge of operations for the mining company
Background & Interest - Comes from a white supremacist background. Believes in white-only management at the mine. Worked for segregated housing laws.

E. Delegate - Shauna/Sean Casey Age - 39
Ethnic Origin - Irish (Northern Ireland)
Religion - Catholic
Education - Journalism Degree, Columbia University, New York
Occupation - Newspaper Editor and author of science fiction books
Background & Interest - Grandfather and mother were killed in Belfast, Ireland by British soldiers. Left Belfast to go to school in the United States. Has written several books about life in other galaxies. Believes there is other intelligent life in space.

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POINT CARD

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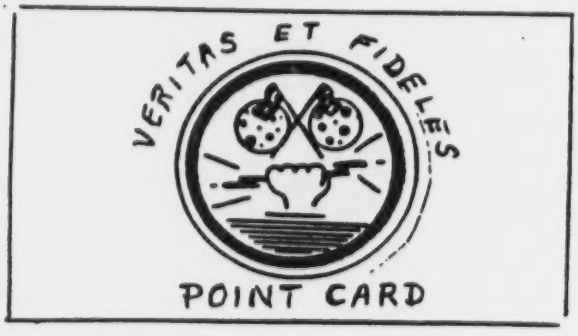
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CIVIL RIGHTS VS. THE LAW

Kermit Ackley

Estee Middle School
Gloversville, New York

INTRODUCTION

The individual civil rights of all American citizens are contained in the Bill of Rights. These rights may be expanded, restricted, or interpreted by the three branches of the United States Government. There have been periods in the history of the United States when the rights of individuals have conflicted with the policies of the United States Government. An example of this conflict occurred in 1942 when over 100,000 Japanese Americans were denied their civil rights through a forced internment. It is the intent of this lesson to use small group interaction, research, and role playng to examine the issues of individual rights, government actions, and racism. To complete this task it would be beneficial if the students had prior knowledge of courtroom procedure and research techniques.

RATIONALE

The purpose of this lesson is to introduce the student to Constitutional law, civil liberties, minority rights, and the effects of racism. It would fit well in an American studies, constitutional law, minorities, prejudice, or futures course.

AUDIENCE

This lesson is appropriate for students in grades seven and eight.

TIME TO COMPLETE

This lesson will require six to seven class periods to implement; two periods - research and development, two to three periods - role playing, two periods - debriefing and projecting.

GOALS

As a result of this lesson students will:

- examine the effects of governmental actions on individual civil rights;
- research and debate opposing points of view and draw conclusions based on evidence;
- increase awareness of the effects of prejudice on minority groups.

MATERIALS

1. Handout #1 Individual Civil Rights
2. Handout #2 United States Government War Powers
3. Handout #3 How Were the Japanese Americans Treated During World War II?
4. Handout #4 Conflicting Opinions
5. Handout #5 What If?

PROCEDURE

1. Using Handout #1, "Individual Civil Rights," the teacher will have the students read the Amendments and make a list of the freedoms and rights contained within.
    - The teacher will discuss and model the listed rights and freedoms and cneck students for vocabulary and concept comprehension.
    - The teacher will review the function of the three branches of the United States Government.
2. Using Handout #2, "United States Government War Powers," the teacher will have students read and list the war powers of the President and Congress.
    - The teacher will discuss and model the listed powers and check students for vocabulary and concept comprehension.
3. Using Handout #3, "How the Japanese Americans Were Treated During World War II," the teacher will have students read this handout and do the accompanying worksheet. The next day the teacher will construct a chart on the board and utilize whole group instruction.
4. The teacher will prepare the class for role playing using Handout #4, "Conflicting Opinions." The students will be divided into:

    Judge
    Jury
    Witnesses
    Team One
    Team Two

    A simulated court hearing will take place as

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described in Handout #4. The teacher's role is only that of a technical advisor and not a direct participant. The decision of the jury is final.

5. Using Handout #5, What If?, the teacher will have the students write an essay on the possibility of the futuristic denial of civil rights to another group of American citizens.
    - The teacher will now administer a written evaluation to the students.
6. Debriefing - The questions needed to tie the lesson together are continued in the activities and worksheets. They would be used as a basis for discussion.

EVALUATION

1. Worksheets
2. Written exam
3. Essay writing
4. Public speaking
5. Drawings

TIPS FOR THE TEACHER

There are several factors to be considered in the success of this lesson.

- Time - Allow at least a week. This is not just an in depth sequential examination of a historical event but an opportunity for students to explore their feelings on civil liberties and prejudice.
- Prepare students for role playing. Do not attempt the simulated court until you feel they have mastered the basics of individual rights and the role of the government.
- Allow the students to be competitive. Let them do their own research and develop their own questions. Advise but do not direct. The students should have knowledge of court procedure. Let the team win or lose the case based on their presentation.
- After role playing, explore the concept of prejudice as a key factor in the internment of the Japanese-Americans. Have students do the survey entitled How I See Others. Use this as a basis for discussion to explore their individual prejudices.

BIBLIOGRAPHY

Office for Multicultural and Equity Education.

The Japanese American Internment, 1942-1945, A Lesson From Recent History. Olympia, Washington, State of Washington, 1986.

Finkelstein, Milton, et al. *Minorities U.S.A.* New York, NY, Glove Bok Company, 1971.

Anti Defamation League of B'nai Brith, A World of Difference - Greater Capital Region, Albany, NY, B'nai Brith, 1988.

WORKSHEET HANDOUT #1

INDIVIDUAL RIGHTS

Amendment I

A. List your basic rights

B. Explain this phrase "To petition the government for a redress of grievances"

Amendment IV

A. What is an unreasonable search or seizure?

B. What is the purpose of a warrant?

Amendment V

A. When may a person be held to answer for a crime?

B. Explain the phrase "nor be deprived of life or property, without due process of law"

Amendment IV

A. List your trial rights

Amendment XIV

A. Who is a citizen?

B. How are citizens of the United States protected?

Amendment VI

A. What rights do all citizens have?

WORKSHEET HANDOUT #2

UNITED STATES GOVERNMENT WAR POWERS

Congress

A. Who has the power to declare war?

B. How does Congress control the armed forces?

C. If a member of Congress said "Congress has unlimited powers during war," what would be the basis for his/her claim?

The President

A. Explain this phrase "preserve, protect, and defend the Constitution"

B. What is the relationship between the President and the armed forces?

WORKSHEET HANDOUT #3

Racism couples the false assumption that race determines psychological and cultural traits with the **belief that one race is superior to another.** Racists, on the basis of their beliefs, justify discrimination, segregation, and scapegoating.

Based on Handout #3, complete the chart below.

Evidence of Racism	**Reasons for Racism**

HANDOUT #4

CONFLICTING OPINIONS

The Question

Was the United States government justified in interning over 110,000 Japanese Americans during the period 1942-1945?

The Objectives

- To utilize research techniques in preparing a trial case
- To prepare and deliver oral arguments
- To follow courtroom procedure
- To analyze and reach a decision
- To engage in a cooperative learning activity

The Process

You are to choose **one** of the following roles. A brief description of each role is included.

Judge - Your responsibilities are:

1. Keep order in the court
2. Rule on objections
3. Decide what evidence is allowable

Witness - Your responsibilities are:

1. To know what you are testifying to - events, names, places
2. To tell the truth
3. To appear credible (believable)

Teams

Two attorneys each - Your responsibilities are:

1. Discuss with your researchers the main points of the case
2. Decide what you are trying to prove
3. Prepare questions for friendly and unfriendly witnesses
4. Orally question witnesses and argue your case to convince a jury you are correct.

Two researchers each — Your responsibilities are:

1. Research and outline the main points of the case
2. Help the attorneys decide what you are trying to prove
3. Record images by making drawings as evidence or of witnesses

a. Each team, **one** representing the United States Government and **one** representing the Japanese American Citizens League, will argue its case before a judge and jury.

b. Fact and information sheets and witness's base testimony will be given to both sides.

c. Your ability to get the jury to agree with you lies in the strength of your arguments (good research and your own ability to argue persuasively).

You may use:

1. Opinions in the Korematsu Case
2. Testimony statements of Japanese-Americans who endured internment.

I suggest that these be the basis for the witness testimony referred to in handout #4. This testimony may be modified. You may wish to reduce it to outline form for student use or you may have the students role play as the grandchildren of the interned Japanese-Americans.

HANDOUT #5

WHAT IF?

What if America, land of the free, where the rights of the individual are a written part of our government . . .

Were to claim a need to protect itself from a group of its own citizens . . .

And would do so by denying this group of citizens their individual rights.

Write an essay in which you give **two** different reasons why the government of the United States would be right in denying a group of citizens their rights.

OR

Write an essay in which you give **two** different reasons why it's not possible for a group of citizens to be denied their rights.

DNA FINGERPRINTING AND THE CONSTITUTIONAL RIGHT TO PRIVACY

Joseph R. Gotchy

Thomas Jefferson High School
Federal Way, Washington

INTRODUCTION

This lesson is about the impact of technology on constitutional rights and liberties in the United States. The activities will help students look at the philosophical and historical evolution of our constitutional right to privacy. More specifically, the lesson looks at DNA fingerprinting and the U.S. Constitution's Fourth Amendment right of privacy. Questions will be raised concerning the future of privacy in a technological world. The activities included in this lesson can be done independently or in cooperative learning groups.

RATIONALE

As courts throughout our nation begin to accept DNA fingerprints as evidence, it seems appropriate to examine the past, present, and future of our constitutional right to privacy.

AUDIENCE

Grades five through twelve with some modification of material.

TIME TO COMPLETE

Two or more class periods.

GOALS

As a result of this lesson students will:

- develop a philosophical and constitutional understanding of privacy;
- analyze the interrelationship between technology and privacy;
- create a set of criteria to evaluate the pros and cons of DNA fingerprint banks.

MATERIALS

1. SPICE III Privacy Ballot.
2. Copies of the U.S. Constitution and Amendment IV.
3. National Public Radio Transcript.
4. Instructions for Brainboarding.
5. U.S. Supreme Court opinions for *Griswald v. Connecticut* and *Katz v. United States.*
6. Bibliography on DNA Fingerprinting and Privacy.
7. Guest Speakers (i.e. A university professor who specializes in the ethical uses of technology).
8. Copies of local ordinances or state laws establishing DNA fingerprint banks.
9. 5"x7" notecards.

PROCEDURE, PART ONE

Day 1

1. Distribute the top half of handout #1 ("Every Breath You Take"). Ask students to interpret each line in this song. As the discussion draws to a conclusion, distribute Gary T. Marx's interpretation. As students compare and contrast their thoughts with those those of Marx, begin to talk about their understanding of "privacy". Help students develop a philosophical and legal definition of the concept.
2. Distribute handout #2 ("Spice III Privacy Ballot"). Ask students to complete the ballot. Have students vote on each issue by a show of hands. In an open-ended discussion, help students explore the conflicts that arise between our notions of individual privacy and societal security. Emphasize the final ballot issue, DNA fingerprint banks.
3. For homework distribute a copy of handout #3 ("National Public Radio Transcript") to each student. Have each student write a one page reaction to the discussion of a DNA fingerprint bank. Would they generally favor or oppose such a DNA fingerprint bank for their own community? Why or why not?

PROCEDURE, PART TWO

Day 2

1. Write the following on the board:"Future Uses of DNA Fingerprinting". Distribute handout #4 ("Brainboarding Instructions").Conduct a "Brainboarding" session with students in which they

consider the possible uses of this relatively new technology. While debriefing have students, sort, group, and evaluate their ideas.

2. Ask students whether they think mandatory DNA fingerprinting is a violation of their constitutional right to privacy. Discuss the evolution of our right to privacy (i.e.: Fourth Amendment, *Katz v. United States, Griswold v. Connecticut, New Jersey v. T.L.O.).*

PROCEDURE, PART THREE

Day 3

1. Invite a guest speaker to address the issues of privacy and DNA fingerprinting. The speaker could be a legal expert, medical doctor or technician, a philosopher, or an engineer who specializes in the human impact of technology.

Day 4-6

2. Have students conduct a legislative hearing on the advisability of establishing a DNA fingerprint bank for their local jurisdiction. Provide them handout #5 (Bibliography — Privacy and DNA Fingerprinting). Select nine students to role play elected public officials who are conducting the hearing. All other students should be provided a role such as doctor, lawyer, laborer, philosopher, constitutional scholar, etc. As the hearing commences, each witness will have one minute to make a statement for or against a DNA fingerprint bank. Each witness can be asked as many as three questions by members of the panel. At the conclusion of the testimony, each panelist will vote for or against the establishment of a DNA fingerprint bank. In addition, each panelist will have an opportunity to explain why a positive or negative vote was cast.
3. Conduct a thorough debriefing of the entire lesson. (See debriefing questions that follow this section.)
4. Have students write a formal essay in which they create a set of criteria to evaluate the pros and cons of DNA fingerprinting and DNA fingerprint banks.

DEBRIEFING

Questions modeled on the work of Dr. Sherry L. Schiller.

A. Assessing the Current Status
   1. What is the current status of DNA fingerprinting? What are the important fact related to the use of DNA fingerprinting?
   2. What are the conflicting interests and tensions that define this issue today?
   3. What are the underlying assumptions, beliefs, and values that are shaping this issue?
   4. What is the orientation of the materials and/or speaker? What are their biases? What "piece" of the larger issue are they addressing?

B. Identifying the Historical Roots
   1. What does the Constitution say about this issue? How has the right to privacy been interpreted over time? Why has it changed over time?
   2. What are (at least) seven significant factors that caused the issue of DNA fingerprinting to have its present status?
   3. How has this issue area been tied to other parts of the Constitution, to other historical events, to technological advances, to sociological, political, and other forces?

C. Exploring Future Implications and Patterns
   1. What appear to be the dominant factors today that are likely to shape the issue of DNA fingerprinting in the future?
   2. What are (at least) seven different ways in which this issue could develop?
   3. Which "scenarios" are most probable? Why?
   4. Which "scenarios" are most desirable? Why?
   5. What could be done to make the most desirable scenarios more probable?
   6. What "signs" should we be looking for along the way to assess how this issue is developing over time?
   7. In what ways could the different scenarios interact with other Constitutional issues, with technological, sociological, political, psychological, and other factors? What are the possible consequences of each scenario? What could these issues be seven generations hence?

EVALUATION

Students can be evaluated on their individual and group work. In addition, the mock hearing and final essay will present excellent opportunities to evaluate the student's preparation and thinking on the subject of DNA fingerprinting.

TIPS FOR THE TEACHER

If local or statewide legislation pertaining to DNA fingerprinting exists, every effort should be made to include it in this lesson.

HANDOUT #1

The Police
"Every Breath You Take"
Your Interpretation of the Lyrics

every breath you take _____
every move you make _____
every bond you break _____
every step you take _____
every single day _____
every word you say _____
every night you stay ... _____
every vow you break ... _____
every smile you fake ... _____
every claim you stake ... _____
I'll be watching you _____

(cut)

The Police
"Every Breath You Take"
Interpretation by Gary T. Marx (**Dissent**, Winter 1985)

every breath you take	(breath analyzer)
every move you make	(motion detector)
every bond you break	(polygraph)
every step you take	(electronic anklet)
every single day	(continuous monitoring)
every word you say	(bugs, wiretaps, mikes)
every night you stay ...	(light amplifier)
every vow you break ...	(voice stress analysis)
every smile you fake ...	(brain wave analysis)
every claim you stake ...	(computer matching)
I'll be watching you	(video surveillance)

HANDOUT #2

SPICE III PRIVACY BALLOT

DRUG TESTING	Vote for ONE
Vote YES to support the right of employers to randomly test their employees	YES ☐
Vote NO to support the privacy rights of individual employees	NO ☐
AIDS TESTING	Vote for ONE
Vote YES to support mandatory AIDS testing	YES ☐
Vote NO to support the privacy rights of individual citizens	NO ☐
COMPUTER SURVEILLANCE	Vote for ONE
Vote YES to support the rights of employers to monitor the computer work and telephone conversations of their employees	YES ☐
Vote NO to support the privacy rights of employees	NO ☐
LIE DETECTOR TESTS	Vote for ONE
Vote YES to support the right of police and prosecutors to use mandatory polygraph tests	YES ☐
Vote NO to support the privacy rights of individual citizens	NO ☐
DNA FINGERPRINTING	Vote for ONE
Vote YES to support the establishment of a national DNA fingerprint bank	YES ☐
Vote NO to support the privacy rights of individual citizens	NO ☐

HANDOUT #3

NATIONAL PUBLIC RADIO BROADCAST ON DNA FINGERPRINTING

NPR: Law enforcement officials like John Hicks, assistant deputy director of the FBI's lab division, are ecstatic about the new (DNA) technology.

JOHN HICKS: We see DNA typing as the most exciting thing to happen for forensic laboratories in this country.

NPR: Proponents say that DNA typing is more accurate than other identification methods and can be done with minute samples of hair, blood or skin found at a crime scene. The procedure is in its infancy. It was developed by British geneticist Alec Jeffreys and used for the first time in this country (in 1987) to convict a Florida man of rape. DNA typing has been admitted in courts in Florida, Oklahoma, and Connecticut.

Here in Tacoma, Washington, prosecutor Barbara Corey-Boulet used DNA typing in the case of a woman with Alzheimer's disease who was raped.

COREY-BOULET: Since this woman obviously couldn't consent to intercourse and couldn't tell what had happened, the detectives' job was to try to figure out who had violated this woman.

NPR: Suspicions focused on a bus driver. Blood, saliva and hair samples obtained from the driver were analyzed using conventional methods, but investigators couldn't conclusively tie him to the raped woman.

COREY-BOULET: At that point ... we were aware of the technology and thought ... if ever there was a case where (DNA typing) should be used this is the case. So we sent (samples) off to Lifecodes in New York which is one of the three labs in the country that does it.

NPR: Blood samples taken from the suspect in custody and semen found on the victim were sent to a private laboratory. From each sample a cell was popped open and the DNA extracted. The DNA was cut into pieces using chemical scissors. Next, the sections of DNA unique to the individual were isolated and captured on x-ray film. The pictures looked not unlike a grocery store bar code. The lab said the samples matched. In fact, the lab said the odds on being wrong were one in three and one half million.

COREY-BOULET: Because the DNA evidence was so strong and the defense was unable to find anyone to effectively challenge it, or refute it, the defendant in that case pled guilty.

NPR: That's not unusual. DNA evidence has been considered so strong that defendants are often pleading guilty. So far individual samples of DNA typing have been compared, but observers say until a national data base has been established, the technology will be of minimal use.

In Seattle, King County is the first place trying to set up a DNA library. It will contain samples from rape victims and all convicted felony sex offenders.

There are practical problems in establishing DNA libraries. The different methods of DNA typing are not compatible. And some of the probes used in DNA typing are owned by private companies. University of Washington professor Philip Bereano ...

BEREANO: Well that presents a problem to a jurisdiction setting up a (DNA) bank. A jurisdiction setting this up becomes financially somewhat of a hostage to the company and is also locked in technologically to what may be an obsolete situation.

NPR: DNA typing may be an effective crime fighting tool. Skeptics are concerned that typing can be used for other purposes. Unlike a fingerprint, a DNA sample contains a virtual library of information about an individual's heredity. Blood samples from which DNA is taken can reveal whether an individual is infected by the AIDS virus. Philip Bereano says this information must be kept confidential.

BEREANO: All kinds of people are going to start to claim that they have a legitimate interest in knowing what that information is, from other public officials in other agencies which we see with the HIV and AIDS situations to insurance companies.

NPR: The King County ordinance requires that each blood sample be destroyed after it is used, but civil libertarians question whether government agencies will be scrupulous about safeguarding the privacy of samples. Professor Philip Bereano also feels that taking blood samples against a person's will for DNA typing is invasive.

BEREANO: Well, how would you like to be held down by four policemen and have a doctor come at you with a great big syringe to take your blood. I mean this is an image from science fiction movies. Most people would consider it to be a considerable invasion of their privacy.

NPR: Carol Jenny is medical director of the Harborview Medical Center's Sexual Assault Unit and principal investigator on a grant from the National Institute of Justice to study DNA typing.

Jenny: I frankly get angry when I hear of people talking about, "well it's so intrusive to do a blood test." They keep bringing up that this is such a terrible thing to do, to stick a needle in someone to get a blood test,

because what we're looking at here are convicted sex offenders. We're looking at people who've intruded on other people's lives to an incredible degree, caused an enormous amount of disruption and frankly, in many cases, ruined the life of the victim. And to me a tiny ten second blood test is not nearly as important as the kind of intrusion that they've done on other people.

NPR: At the suggestion of the ACLU, King County has agreed to use the least intrusive method of obtaining DNA. If hair or saliva samples can yield accurate results they will be used. The legal status of DNA typing is still tenuous. Some prosecutors are reluctant to rely on it until there is more independent verification of its accuracy. Once DNA cases begin to clear the appellate level we'll probably see more use. But the main impediment to widespread use of DNA typing is the lack of a standardized method. Three private companies and various medical labs have different processes (and they're not compatible). Law enforcement officials are looking to completion of the FBI's review of the various methods of DNA typing expected this fall. Law enforcement officials say that one day DNA typing will be as crucial to solving crimes as fingerprinting is today.

For National Public Radio, I'm Ross Reynolds in Seattle.

HANDOUT #4

INSTRUCTIONS FOR BRAINBOARDING

Brainboarding is an idea generation technique that combines the advantages of brainstorming with those of brainwriting. It is based upon the techniques used by Walt Disney known as "storyboarding".

Participants may be seated in work groups or as one large group. Stacks of 5"x7" notecards should be available. The topic or issue to be explored is identified in writing and posted on the large board or wall where it can be viewed by all participants.

Participants brainstorm ideas for a set time period. This first round usually lasts from 5-10 minutes. They call out each idea as they write it in "headline" form on a 5"x7" card. Many or all participants will be simultaneously calling out and writing at any moment.

The facilitator circulates around the group and collects the cards as soon as they are written and posts them on a board or wall where the issue statement is posted.

The group stops after Round One to look at the issue statement and the various ideas that have been generated. The group then discusses what it has generated and, if necessary, redefines or clarifies the issue before proceeding to Round Two.

The group then repeats the idea generation activity in Round Two, calling out their ideas and at the same time writing each on a card. The facilitator again collects and posts the cards where they can be viewed. Round Two usually lasts 5-10 minutes.

After the second round, the group has generated many ideas, which are posted in front of them. The discussion then moves to sorting, grouping, and evaluating the ideas that have been generated. This is easily facilitated by moving or removing the cards based upon the group discussion. Within minutes, an organized collection of ideas has emerged.

This technique is also very useful in planning, project monitoring, and report writing, where cards can represent various parts of a large, complex issue or organization. Cards can contain information such as who will do each task, and when it will be completed. Connecting lines can be drawn between cards, and they can be arranged in chronological or other order.

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HANDOUT #5

Bibliography — Privacy and DNA Fingerprinting

Books

Hixson, Richard F. *Privacy in a Public Society*, New York: Oxford University Press, 1987.

Schoeman, Ferdinand D. Ed., *Philosophical Dimensions of Privacy*, New York: Cambridge University Press, 1984.

Magazine and Journal Articles

Begley, Sharon. "Leaving Holmes in the Dust: Gene Prints Unravel Crime and Paternity Puzzles" p. 81. *Newsweek*, October 26, 1987.

Carr, James G. "Overview of Recent Supreme Court Decisions on the Fourth Amendment" pp. 57-64. *Search and Seizure Law Report*, September 1986.

Gold, Stephen. "DNA Explosion" p. 1104. *New Law Journal*, November 27, 1987.

Goldberg, Peter. "A Guide To Identifying Fourth Amendment Issues" pp. 33-40. *Search and Seizure Law Report*, May 1986.

Hoerr, John, et. al. "Privacy" pp. 61-68. *Business Week*, March 28, 1988.

Jacobs, Deborah L. "Technology v. Privacy: Will Wires Get Crossed?" pp.1. The National Law Journal, December 9, 1985.

Kimmel, Michael. "The Philosophy of Privacy" p. 6. *Psychology Today*, September 1984.

Kirby, Hon. Justice M.D. "The Ten Information Commandments" pp. 1-26. *Law-Technology*, Winter 1986.

Kroll, Robert E. "Can the Fourth Amendment Go High Tech" pp. 70-74. *ABA Journal*, September 1, 1987.

Lemonick, Michael, et. al. "DNA Prints" p. 66. *Time*, January 26, 1987.

Lewin, Roger. "DNA Fingerprints in Health and Disease" pp. 521-522. *Research News*, August 1986.

Lewis, Ricki. "DNA Fingerprints: Witness for the Prosecution" pp. 44-52. *Discover*, June 1988.

Louch, A.R. "Is Privacy Immoral?" pp. 22-25. *Human Rights*, Fall 1982.

Marx, Gary T. "I'll Be Watching You" pp. 26-34. *Dissent*, Winter 1985.

McNally, Phil and Sohail Inayayullah. "The Rights of Robots: Technology, Culture and Law in the 21st Century" pp. 49-71. *Law Technology*, October 1987.

Merz, Beverly. "DNA Fingerprints Come to Court" p. 2193. *The Journal of the American Medical Association*, April 15, 1988.

Miller, Julie Ann. "DNA Fingerprints to Aid Sleuths" pp. 390-391. *Science News*, December 21-28, 1985.

Moore, Barrington. "Privacy" pp. 17-27. *Society*, May/June 1985.

Peck, Robert S. "The Right to be Left Alone" pp. 27-31. *Human Rights*, Fall 1987.

Schmeck, Harold M. "DNA and Crime: Identification From a Single Hair" *New York Times*, April 12, 1988. p. 3, col. 1.

Strauss, Stephen. "DNA Fingerprinting" pp. 8-10. *Technology Review*, Feb./Mar. 1988.

Trubow, George R. "Fighting Off The New Technology" pp. 26-29. *Human Rights*, Fall 1982.

Weingarten, Fred W. "Privacy: A Terminal Idea" pp. 18-21. *Human Rights*, Fall 1982.

Weisburd, Stefi. "Fingerprinting DNA From a Single Hair" p. 282. *Science News*, April 23, 1988.

EQUALITY: Changing the Rules of the Game

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INTRODUCTION

This unit is designed to allow students to explore the changing definitions of equality and the impact that this has on the people affected by the change. The students will examine historical and current legislation, as well as constitutional interpretation of laws that impact on how society defines equality.

The unit consists of three basic components: a large group simulation/role play activity, a class discussion about the experience relating current cases, and a written assignment where students will make predictions about the future of the society given the fluctuation in the definition of equality.

This activity should be attempted only after students have completed a study of the constitutional issues involved in equal protection.

RATIONALE

The concept of equality is fundamental to the functioning of a democratic, pluralistic society such as the United States of America. The basic premise of equality is defined as providing equal rights for all citizens, yet historically, equality was not forthcoming for certain groups. Legislative action and constitutional re-interpretation occurred. The balance, however, has not yet been achieved, for the center continues to fluctuate; thus the concept of equality is illusive at best.

AUDIENCE

Secondary American History/Government students.

TIME TO COMPLETE

One to two class periods.

GOALS

As a result of this lesson students will have the opportunity:

- to compare data from primary and secondary sources;
- to identify alternative courses of action;
- to predict probable outcomes of events or series of events;
- to analyze the impact of legislation and Supreme Court decisions on society;
- to empower students to think critically about equality and effectively communicate their views about it.

MATERIALS

1. tagboard
2. profile cards-to be made by teacher
3. notebook paper
4. tokens
5. cardboard arrows
6. newspaper articles
7. pen
8. reference sheet
9. thumbtacks
10. index cards

PROCEDURE

1. Prior to beginning the lesson, make sure that students have knowledge of the information contained on the reference sheet.
2. **Instruct** students to remove everything from their desks except notebook paper and pen.
3. **Distribute** profile cards randomly to each student and allow him/her time to review the characteristics contained on the card.
4. **Place** the wheel (which has been constructed by the teacher in advance using the tagboard, arrows, and thumbtacks) in a position so that it is visible to the entire class.
5. Note: If this is to be used as a small group activity, several small wheels should be constructed and laminated.
6. **Explain** the game rules to the class.
   - each student will assume the role of the person identified on the profile card.
   - in this game, a student will be eliminated from play if his/her characteristics are selected
7. **READ OR POST THE FOLLOWING DIRECTIONS**
   a. The teacher will spin the arrow on the wheel for each round of play - the wheel consists of five categories: race, age, religion, gender, handicap. Within each category, there are

sub-categories such as male/female, black/white, Hispanic, Asian, etc.

b. When the arrow of the wheel stops on one of the major categories, the teacher will then select a card from the sub-category pile which should be located adjacent to the wheel.

c. **Remember**, those students whose profile card contains any of the characteristics selected will not be allowed to participate in the game until the next spin of the wheel.

d. Students who are eliminated from any round of play should write their reactions/feelings on the notebook paper which they have on their desks.

e. After students understand the order of events, begin the game.

f. **Select** a sub category.

g. **Select** a question card from the pile of twenty questions which have been attached to index cards by the teacher prior to the beginning of the game.

8. Students who are allowed to play, who have not been eliminated by selection of their profile characteristics, should attempt to answer the question selected. The person with the correct answer will receive one token.

9. **Spin** the wheel again to begin the second round of play. Use the same procedure listed above.

10. **Proceed** with subsequent rounds until each of the five major categories on the wheel has been used at least once, or until all twenty questions have been answered.

11. **End** the game, count the tokens, declare a winner!

12. NEEDED FOR THE GAME: All items should initially be made by the teacher; however, delegating the responsibility to students increases their participation. Once the items have been constructed, they may be reused, especially if they are laminated.)

Profile cards: Teachers may elect to expand the categories based on their particular student populations.

Sample card: **15 year old Hispanic male**

Additional characteristics may be included. Teachers may also elect to use the delegate biographies from the Lesson entitled Decision on Aarkhon - see table of contents.

Index Cards: The twenty questions should be cut out and attached to index cards and numbered from 1-20. Additional cards may be added at the discretion of the teacher.

Sub-Category Cards: These cards contain information not included on the wheel for each major category such as specific ages, handicaps, etc.

Tokens: Bingo chips are useful and inexpensive.

Wheel: The wheel should have the five major categories listed. An arrow should be attached in the center using a thumbtack which will allow it to move freely (see diagram).

****NOTE:** For the sake of durability, all profile and sub category cards should be affixed to an index card. This is particularly useful if you plan to use this game for several classes.

13. **DEBRIEFING**

a. Conduct a class discussion to determine how students felt about the experience. Use the following questions to guide the discussion:

1. Why is the game entitled "Changing the Rules?"
2. Why were the profiles arbitrarily distributed? (People don't always have control over characteristics, circumstances or events that shape their lives.)
3. **Was it fair for some students to have more opportunities to participate than others? (Some students may have suffered from double jeopardy, i.e. black/female, old/handicapped, etc.)**
4. Must all situations always be equal for all people? How can this be possible?
5. Was the process used to eliminate students from play reasonable? How does it reflect what happens in real life, or does it?
6. What did you learn from this experience? What were some of the reactions recorded by those students who were eliminated during the game?
7. What is equality and how can we insure it?

*At this point the teacher should share his/her observations of the students' reactions during the game.

EVALUATION

Students will write an essay on the significance of equal protection to the "American" way of life. The essay should include historical references from the reference sheet as well as the feelings they experienced while participating in the simulation. It should be written from the perspective of the person represented on the profile card. The conclusion should be their own personal opinion of equal protection and its implications. The essay should be entitled what would America be like without equality? Select several essays to be read aloud and discussed.

TIPS FOR THE TEACHER

- This activity may be modified to accommodate several small groups instead of one large group.
- Develop a bulletin board using the five categories listed on the wheel as headings. Have students collect newspaper articles dealing with equal protection to be placed in each category.
- Cartoons, or pictures reflecting violations of the equality premise may be substituted for the twenty questions in the simulation. Show the pictures and have students determine which Amendment is at issue.

BIBLIOGRAPHY

Update on Law-Related Education, Spring 1987
Update on Law-Related Education, Fall 1987
Currie, David P. and Joyce L. Stevos. (1985).
The Constitution. Scott Foresman and Co.: Illinois.

SAMPLE WHEEL - All sections should be equal in size

Sub-Category Cards:

GENDER

MALE	**FEMALE**

AGE

14	**15**	**16**
17	**18**	**20s**
30s	**40s**	**50s**
60s	**70s**	**80s**

RACE

African-American (Black)

Hispanic	**Italian**
Polish	**Asian**

RELIGION

Jewish	**Protestant**
Catholic	**Fundamentalist**

Baptist

HANDICAP

Blind	**Deaf**
Mentally Retarded	**Paraplegic**

Student profile cards may also consist of any of these categories.

Game Questions

NOTE: Cartoons or news articles may be substituted for these questions. See Tips for the Teacher. Cut questions out and attach them to an index card.

What protection was granted under the 14th Amendment?

What was the importance of the Brown v. Board of Education decision?

What was the importance of the Plessy v. Ferguson decision?

What protection was granted under the 13th Amendment?

What protection was granted under the 17th Amendment?

What protection was granted under the 19th Amendment?

What protection was granted under the 23rd Amendment?

What protection was granted under the 24th Amendment?

What protection was granted under the 26th Amendment?

What was the importance of the Equal Pay Act of 1963?

What was the importance of the Civil Rights Act of 1964?

What was the importance of the Age Discrimination in Employment Act of 1967?

What was the importance of the Title IX of the Education Act Amendments of 1972?

What was the importance of the Rehabilitation Act of 1973?

What was the importance of the Equal Credit Opportunity Act of 1974?

What was the importance of the Board of Regents of California v. Bakke case?

What was the importance of the Civil Rights Restoration Act of 1988?

What was the importance of the Grove City v. Bell decision of 1984?

Use this card for a current situation from the news

Use this card for a current situation from the news.

REFERENCE SHEET

Constitutional Amendments

Amendment 13 (1865) - Prohibits slavery within the United States or any place subject to their jurisdiction.

Amendment 14 (1868) - Citizenship is given to black Americans. The states are forbidden to deny equal privileges and protection by law to any citizen. The basic protections of the Bill of Rights apply to state governments as well as the federal government.

Amendment 15 (1870) - Citizens cannot be denied the right to vote because of their race or color, or former condition of servitude.

Amendment 17 (1913) - Permits voters to directly elect United States Senators.

Amendment 19 (1920) - Extended right to vote to qualified persons living in the District of Columbia.

Amendment 24 (1964) - Protected the right to vote of persons who cannot afford to pay poll tax. Poll taxes were considered by the Supreme Court as illegal as a requirement for voting in state and local elections.

Amendment 26 (1971) - Extended the right to vote to persons eighteen or older.

Supreme Court Decisions

Plessy v. Ferguson (1896) - The court ruled that separate but equal facilities do not violate the equal protection of the law. It made the separation of the races legal.

Brown V. Board of Education of Topeka (1954) - The court ruled that separation of races is discrimination even if facilities are equal. Eliminated the separate but equal doctrine established in *Plessy v. Ferguson* and marked the end of segregation in the South.

Regents of the University of California v. Bakke (1978) - The Court ruled that Bakke must be admitted to Davis Medical School, but while the Davis policy was unconstitutional, race may be used in other ways as a consideration in determining admission. It provided limits to the practice of affirmative action, preventing it from becoming reverse discrimination.

Grove City v. Bell (1984) - The Court ruled that anti-discrimination laws could be enforced only on a program by program basis and that an entire institution could not be penalized for a single isolated infraction.

Civil Rights Legislation

Equal Pay Act of 1963 - requires equal pay for equal work, regardless of sex. Requires that equal work be determined by equal skill, effort and responsibility under similar working conditions at the same place of employment. Requires equal pay when equal work is involved, even if the job is different.

Civil Rights Act of 1964 - (amended in 1972) Prohibits discrimination based on race, color, religion or national origin in public accommodations. It does not apply to private clubs not open to the public.

Age Discrimination in Employment Act of 1967 - (amended in 1978) Prohibits arbitrary age discrimination in employment by employers of twenty or more persons, employment agencies, and labor organizations with twenty-five or more members. It protects persons between the ages of forty and seventy.

Title IX of the Education Act Amendment of 1972 - Prohibits discrimination against students and others on the basis of sex in educational institutions receiving federal funding. Prohibits sex discrimination in areas including student and faculty recruitment, admissions, financial aid, facilities and employment.

Rehabilitation Act of 1973 - Prohibits private and government employers from discrimination on the basis of physical handicap. Requires companies that do business with the government to undertake Affirmative Action to provide jobs for the handicapped. Prohibits activities and programs receiving federal funds from excluding otherwise qualified handicapped persons from participation or benefits.

Equal Credit Opportunity Act of 1974 - Requires all financial institutions to make credit equally available to credit worthy customers regardless of sex and marital status. Prohibits creditors from asking the sex of the credit applicant.

Civil Rights Restoration Act of 1988 (amends Civil Rights Act of 1964) - Requires that an entire institution be penalized if any of its entities engage in discrimination based on race, age, religion, gender or handicap. It allows hospitals that receive federal money to decline to perform abortions for their employees or students.

SPACE: Our Manifest Destiny

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INTRODUCTION

This lesson is intended to be a culminating activity for an eighth grade American History class. Previous units of study can be reviewed and related to this activity concerning the future, including the following: the U.S. Constitution, immigration, age of exploration, and growth of technology. Lack of experiences and knowledge in these areas would require cumbersome background work.

The learning experience is easily adaptable to an interdisciplinary situation, involving the art, language arts, science and social studies teachers. Various degrees of cooperation could evolve.

This lesson will use brainstorming, open discussion, and creative thinking skills. An open mind and creative imagination are also abstract requirements.

The ultimate outcome will involve the following:

- development of six goals for an international space colony
- development of general immigration regulations for the space colony
- development of a video "advertisement" for the space colony

RATIONALE

As social studies teachers, we devote great energies to explaining and analyzing the past and its consequences as it affects our lives today. The next logical step is to look at the present and discover the possible alternative outcomes in the future. What is our general goal as teachers but to prepare our students for life in the future . . . encouraging the development of positive, productive, and safe lives in the future? Experiences in our educational system are meant to expose students to true life experiences and a data base upon which students can base the choices of their own personal futures.

GOALS

As a result of this lesson students will:

- develop an understanding that space is the frontier of today and the New World of tomorrow;
- compare and contrast the motivation and plight of early explorers and immigrants with the explorers and immigrants of the future;
- analyze the characteristics of potential space colony immigrants and create regulations for such immigration;
- compare the goals of current governments with goals they feel would be applicable for a space colony;
- encourage an understanding of the importance of choices in one's personal future as well as that of all of society.

AUDIENCE

This is planned as a culminating activity for eighth grade. However, this lesson is easily adaptable for other junior high/middle school levels.

TIME TO COMPLETE

Two weeks to one month

MATERIALS

1. Video tape
2. Video camera and VCR
3. Art materials for model of space colony (types of materials will vary from group to group)
4. Copies of the Preamble to the U.S. Constitution (included in the appendix of this lesson)
5. Copies of the requirements for U.S. Senators and Representatives (included in the appendix of this lesson)
6. Optional: sets of goals established by other nations, copies of plan of government of other nations, and sets of U.S. immigration requirements and regulations

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PROCEDURE, PART ONE

Day One . . . General Introduction and Motivation

1. Show a video of a future's set program to set the stage for the introduction. I showed an episode of *Star Trek*, but you can use whatever is available to you.
2. Introduce **THE FUTURE** as our next and last area for study. Explain that the lessons will involve many areas already studied during the school year.
3. Distribute Handout One which explains the long-term project. Depending on the size of the class, divide into "colony groups" of about six students each.
4. Discuss and explain the expectations for the Video Project.
5. In remaining class time, students should meet in their colony groups to begin discussion of the design and plan for their model.
6. From this day on, when the class activity is completed, students should be allowed to work in their colony groups, working on their video project and model. It is also expected that portions can be worked on during study hall or at home.

PROCEDURE, PART TWO

Day Two

1. Brainstorm the following:
   - Why did the early explorers come to the New World, the Americas?
   - Why did early settlers leave their homes and families, cultures and traditions, to start new lives in the New World of the Americas?
2. Be sure to record the students' responses on blackboard, overhead sheets, or flip charts as they will be needed in the next step of today's lesson.
3. Using the brainstorming lists, have students choose those items which could just as easily apply to reasons for immigration to a space colony. Have students add to the list any additional reasons for immigration to a space colony.
4. As an independent assignment and follow-up to the class activity, assign the following:

   You are going to have great powers of decision tonight. The construction of a space colony is almost completed. Now it must be settled. Consider the skills which may be needed in the colony at the beginning. List the ten occupations which you think should be represented by the early colonists. Be sure to think of the colonists' needs and the occupations which could meet those needs.

PROCEDURE, PART THREE

Day Three

1. Begin class with sharing session with students giving their lists of occupations. Keep running record on board, overhead, or flip chart. Designate in some way if an occupation is listed by more than one student.
2. After listing, discuss briefly the reasons why these were chosen, why these were important to a new space colony.
3. Following this discussion, present to students the fact that such a community will need a set of goals, along with a set of requirements for potential immigration. Refer to the basic goals of the United States, using the Preamble to the U.S. Constitution, along with any other nation's goals (preferably nations with which students are somewhat familiar).
4. Divide class into groups. Be sure that one member of each colony group is grouped together with representatives of all the other colony groups.
5. Present each group with the following problem: Before the space colony can be settled, the basic goals of the society must be formulated. These rules are to be general and refer to the purpose of the new colony and any general expectations for settlement. Using the Preamble to the U.S. Constitution as a guide, develop those goals.
6. After fifteen minutes, the small groups should break up and students should regroup, this time in their colony groups. Have students share the ideas garnered in their small groups. Students must now narrow the rules down to the six they feel are necessary and appropriate for their colony. Each group will decide these goals for themselves, they do not have to agree as a class. (You may need to provide additional time for "fine tuning" of these goal statments.)

PROCEDURE, PART FOUR

Day Four

1. Distribute copies of the Constitution which show the requirements for becoming president, Congesspersons, and (if available) the requirements for U.S. citizenship. These should be discussed briefly stressing the simplicity and clarity of the requirements.
2. With this emphasis on simplicity and clarity, students are now to brainstorm as a class about

possible requirements for immigration to their colony. What qualities would a person have to be considered a positive member of the colony? What qualities might be negatives, thereby keeping a person from being accepted? Record responses on an overhead sheet (these can then be reproduced for later use by the groups).

3. Explain to students that in the days to come, each colony group must determine the final list, but it is not necessary at this stage.
4. Assign Activity Sheet Two for independent work. Explain to students that there are no exact answers. They must must be able to justify their responses in discussion tomorrow. Ask them to be as creative as possible in writing their own situations.

PROCEDURE, PART FIVE

Day Five

1. Class discussion of assignment sheet.
2. Work period on video projects. The amount of work days needed at this point will vary with each class at the discretion of the teacher.

PROCEDURE, PART SIX

Day Six

1. Depending on the amount of days needed with the class for completion of the project, you may need to supplement fun activities dealing with the future. Here are some suggested topics for supplementary work:
   a. Predict the fashions for the year 2040.
   b. Predict the occupations which will develop as the years progress. In addition, discuss what jobs probably will disappear. To get their minds going, you might talk about jobs that were here fifty years ago and no longer exist.
   c. Discuss the possibilities of underwater communities, as well as floating communities.
2. Final Day: Presentation of video projects.
3. Debriefing:
   a. Compare and contrast the supplies and expertise needed by explorers of the past and space explorers of the future (can base future on the space programs of today).
   b. Expand upon goals of society and discuss the possible difficulties in selecting a form of government for an international space community.
   c. Discuss the characteristics of a typical day for an American teenager. Contrast with what students develop as a typical day for a teenager of 2040.
   d. Why are rules necessary? Could the space colony last without rules?

EVALUATION

1. The ultimate evaluation will be the Video Project.
2. In the process of the lesson, there should be continual evaluation of students' grasp of the inevitable change in our past history and the impact this will have on the future. This underlying contrast of change and continuity should be clarified throughout the development of the lesson.
3. Evaluation of worksheet and independent assignments will also provide feedback to the teacher.

TIPS FOR THE TEACHER

- If at all possible, involve the language arts and art teachers. The interdisciplinary approach will increase motivation.
- Be Flexible.
- Be knowledgeable about the use of video equipment.

BIBLIOGRAPHY

Cetron, Marvin. *Encounters with the Future*. McGraw-Hill Book Co., 1982.

Goodykoontz, William, ed. *The Future*. Scholastic Book Services, 1972.

The Future, Can We Shape It? Scholastic Book Services, 1973.

Hellfach, Judith. *The Future of the Government*. New Jersey: Prentice-Hall, Inc., 1977.

Kahn, Herman. *The Next 200 Years*. New York: William Morris & Co., 1976.

McCumsey, Janet. *Exploring the Future*. Good Apple.

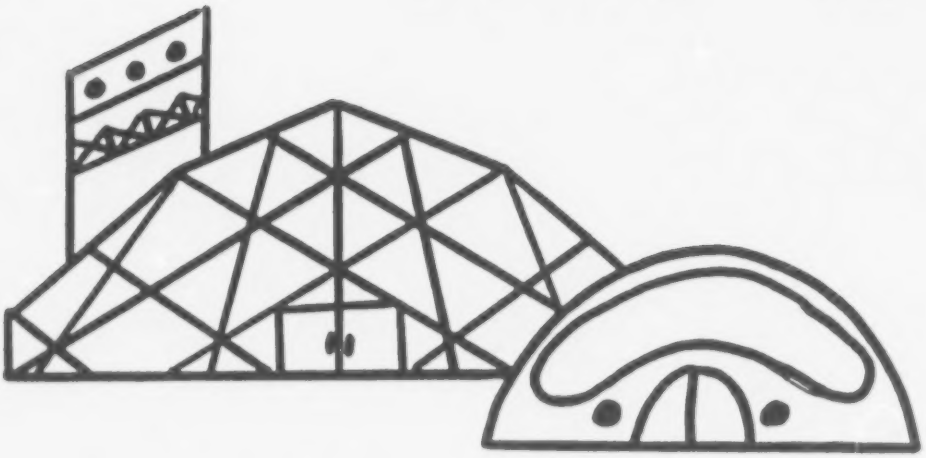
Richardson, John M. *Making it Happen*. U. S. Association for the Club of Rome, 1982.

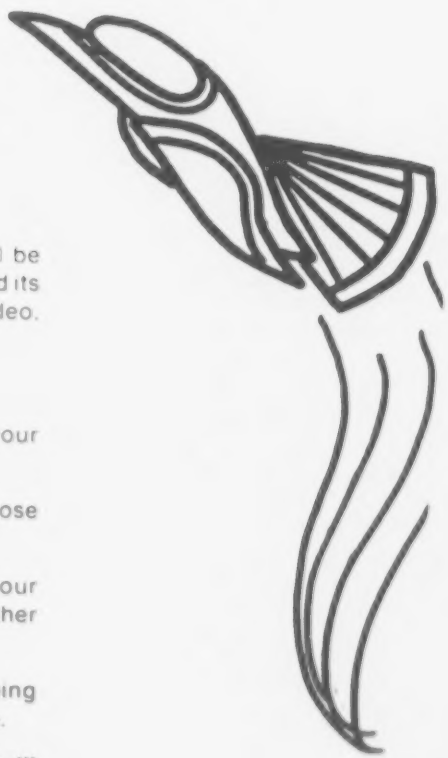
Steven and Shea Publishers. *Future Times*. California, 1986.

Taylor, Paula. *The Kid's Whole Future Catalog*. New York: Random House, 1982.

Thomas, John. *Making Changes*. California: ETC Publications, 1981.

SPACE VIDEO





As a culminating activity to our lessons on the future, each group will be responsible for a video project. The video will advertise a space colony and its advantages and goals. Creativity can "**Run Wild**" in producing the video, though there are a few specific requirements.

A. Video must include a **Model** of the space colony.

B. Video must integrate a narration of your group's designated goals for your international space colony.

C. Video must advise audience of basic immigration requirement for those interested in immigrating to this space colony.

In addition to these requirements, you may want to add information of your own regarding fashion, food, transportation, leisure time activities, or other such topics.

The video can be from two to five minutes long. Groups must schedule taping time with teacher. Please be full rehearsed before scheduling taping time.

Creativity can be FUN!!!! **Let's Step Into The Future With The Videos!!!**

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HANDOUT #2

WHAT DO YOU THINK? **2040 is the year!!!**

For each of the following, you are to check if you believe the situation could **POSSIBLY HAPPEN, IS LIKELY TO HAPPEN, AND IF YOU THINK IT SHOULD HAPPEN.** Leave the square blank if your answer is no. In the blank boxes that follow, you are to write your own situations matching the written categories. Then judge each.

SITUATION	POSSIBLE	LIKELY	SUPPORT
1. National boundaries will no longer exist.			
2. Home shopping computers will eliminate the need for stores or malls.			
3. Vehicles as we know them will be replaced by solar-powered craft capable of space and earth travel.			
4. Students will be taught by computer in the home, eliminating schools and teachers.			
5. Robotics will replace the human work force in the factories.			
6. Geothermal energy will replace nuclear and fossil energy and hydroelectricity as sole source of power on earth.			
7. Food pellets with proper nutritional values will replace natural foods in space and earth diets.			
8. CLOTHING			
9. COMPUTERS			
10. PHYSICAL FITNESS			

PREAMBLE TO THE U.S. CONSTITUTION

We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

Requirements For Members of the U.S. House of Representatives

1. Must be at least twenty-five years of age.
2. Must be a U.S. citizen for at least seven years.
3. Must be a resident of the state from which elected.

Requirements for Members of the U.S. Senate

1. Must be at least thirty years of age.
2. Must be a U.S. citizen for at least nine years
3. Must be a resident of the state from which elected.

Requirements for President of the United States

1. Must be a natural-born citizen of the United States.
2. Must be at least thirty-five years of age.
3. Must be a resident of the United States for at least fourteen years.

POLITICAL SURVEILLANCE: A Case of Individual Rights Versus Internal Security

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INTRODUCTION

This lesson explores the relationship between the First Amendment and political surveillance—when is surveillance necessary and when is it abusive? A case study *Wilkinson vs. FBI* will be used to supply facts and help focus the issues. Using a moot court simulation, students will further develop the issues and arguments, reach a decision, and compare their decision with that of the Supreme Court. In the trial preparation students will trace the historical roots of the "red scare." Evaluation at this point will be in the form of an argumentative essay. To complete the exploration of this issue, students will add information about the Nixon, Ford, Carter, and Reagan policies on surveillance, indicate trends, make predictions, list possible options available in the future to settle this issue, and take action by writing letters to federal representatives discussing the issue and possible legislation.

RATIONALE

The use of the First Amendment to limit political surveillance should be taught so that students are aware of their civil liberties, can protect them, and can take responsible action as a result of being knowledgeable. This lesson fits in well after the study of the McCarthy Era or during the study of Watergate.

AUDIENCE

This lesson is appropriate for eleventh grade regular and advanced placement.

TIME TO COMPLETE

Approximately five hours of class time.

GOALS

As a result of this lesson, students will:

- understand how the First Amendment and its interpretation limit political surveillance and protect individual rights while maintaining internal security;
- analyze, synthesize and evaluate case study facts, issues, and arguments, and apply them in a decision-making process;
- practice predicting the future course of political surveillance based on past trends and current conditions, emphasizing the potential for increased invasion of privacy due to advancing technology;
- develop an understanding of the need for responsible action by concerned citizens.

MATERIALS

1. U.S. History textbook
2. Amendment I from the Constitution
3. Article from *Human Rights Magazine*, Section of Individual Rights and Responsibilities, American Bar Association, by Frank Wilkinson : Dec. 1, 1987. (This article provides policy information about Presidents Ford, Carter, Nixon, and Reagan).
4. Handout #1: Libraries and Political Surveillance
5. Handout #2: Case Study—*Los Angeles Times* article entitled *Wilkinson vs. the FBI*, NCARL printing
6. Handout #3: Red Scare time line
7. Handout #4: "Meeting the Communist Challenge" by J. Edgar Hoover
8. Handout #5: *New York Times* article entitled *FBI Documents Show Wide Surveillance of Administration Critics*

PROCEDURE, PART ONE

Day One:

1. Mind Set: Play a simulation with students pretending that the City Council is very concerned with Heavy Metal music causing teenagers to commit crimes. The Council is asking for student volunteers to watch and report on any students listening to this music. This can be done by reading a pretend bulletin from the office. After you get student reactions, discuss their reactions, and begin to focus the issue involved—individual rights versus internal security.
2. Pass out Handout #1 (xerox sides one and two on opposite sides of the same paper.) Have students read side one and predict what librarians have decided, writing their answers and giving reasons. Have them notice the date on the article. Have students read librarians' reaction on side two. Compare the issues here with your simulation issues.
3. Distribute Handout #2, "The Case Study." Divide the class into groups of three students. Each group reads, discusses, and charts the case study information under the following headings: facts, issues, and arguments supporting Wilkinson and supporting the FBI. Although students will discuss and collaborate on the answers for each group, each student is responsible for his or her own chart. Complete as homework.

PROCEDURE, PART TWO

Day Two:

Review facts, issues, and arguments focusing on which of Wilkinson's individual rights were violated. Review the First Amendment. As a class, brainstorm what other information needs to be known about both Wilkinson and the FBI to get a balanced view.

2. Pass out Handout #3. "The Time Line." In the original groups of three have students trace the development of the "red scare" in American history. Each student must have his or her own copy of the time line. Complete as homework. Any other emotional issue can be used to replace the "red scare."

PROCEDURE, PART THREE

Day Three:

1. Review the time line and focus student attention on the reasons why Americans felt a need for political surveillance.
2. Distribute Handout #4, "Hoover's Essay." Students read and add data to the Wilkinson chart from Day one (facts, issues, and arguments).
3. Introduce the moot court simulation of the Wilkinson case study for Day four; divide the class into nine Supreme Court Justices, petitioner group, and respondent group. Groups develop arguments to present to the court, elect a lawyer: justices develop questions to ask the lawyer.

PROCEDURE, PART FOUR

Day Four:

1. Conduct a moot court simulation of the Wilkinson case.
2. During the moot court simulation students should be taking notes on any arguments, facts or issues that they did not write down on their previous charts. Likewise, they should list the arguments used by the opposition.
3. Debrief the court, discussing the justices' decision and compare it with the real decision by the Supreme Court. (Wilkinson was found not guilty, and the FBI was required to give him the files they had on him.)
4. For homework, students are to write an argumentative essay stating their personal decision concerning individual rights versus internal security rebutting arguments heard during the trial.

PROCEDURE, PART FIVE

Day Five:

1. Using information from *Human Rights Magazine*, December 1, 1987, inform students about the policies of Presidents Ford, Carter, Nixon, and Reagan.
2. Pass out Handout 5, the newspaper article on the Reagan policy for surveillance of Central America policy protesters. Assign student readers; conduct a class discussion brainstorming the trends and making predictions on political surveillance in the future.
3. For homework, students should write letters to their federal Senators and Representatives discussing the political surveillance issue now and in the future, and suggesting possible legislation and solutions. An alternative might be for students to determine if they are on any lists using data from the Freedom of Information Act.

   5 U.S.C.: 552(a)(1,2) This Act requires all federal agencies to make available for public inspection all final opinions, orders and statements of policy which ultimately affect any member of the public.
4. Debriefing: Students will draw three cartoons: 1) illustrating the two opposing points of view; 2) illustrating trends or predictions; and 3) illustrating a citizen's responsibilities and actions. I also feel that a student's letter to a federal representative is a valuable form of debriefing.

EVALUATION

Various levels throughout this activity allow for evaluation: the case study chart, time line, argumentative essay, moot court participation, letter, and the debriefing cartoons.

TIPS FOR THE TEACHER

It is very important that the class is familiar with group interaction and courtroom procedure prior to this lesson to insure the success of the suggested activities. Keeping the lesson within the one school week format allows for better transfer of knowledge between concepts.

BIBLIOGRAPHY

Los Angeles Times article; Sunday, October 18, 1987, "*Wilkinson vs. the FBI.*"

Human Rights Magazine, Section of Individual Rights and Responsibilities, American Bar Assoc.—article by Frank Wilkinson, Dec. 1, 1987.

The Student, Horowitz, David, Ballantine Books, New York, 1962.

A Study of Communism, *Hoover, J. Edgar, Holt, Rinehart and Winston, Inc., New York, 1962, (pp. 182-185)*

Libraries balk at spying on patrons

By Knight-Ridder News Service

Look there, behind the library stacks: Could those be Soviet spies in the trench coats? Are those graduate students by the card catalogs, sneaking documents to foreign intelligence agents?

And that man with the accent. Could he be reading about explosives?

The FBI these days is looking for librarians who will raise such questions — and perhaps spy on their patrons — in the hushed halls of one of America's most hallowed institutions, the public library.

Library awareness

Under a little-known initiative called the "Library Awareness Program," the FBI is asking librarians to help combat what it calls a substantial threat from "hostile foreign intelligence" officers who use libraries as their staging grounds. And the FBI wants librarians to keep an eye on the spies, if they can figure out what a spy looks like.

The program has created a furor among library officials and civil libertarians. For not only FBI agents, but police, Secret Service and Treasury Department agents routinely ask librarians to check out more than books.

THE DENVER POST
Sunday, February 28, 1988

1. What do you predict will be the librarians' response?
2. What reasons or arguments might they give?

And no one, librarians say, should be reading over the public's shoulder.

"To have what is equivalent to Big Brother and the Thought Police as a presence in the library is just not permissible in this country," said Zoia Horn, former librarian at Bucknell University.

Horn went to jail in 1972 rather than testify in the Harrisburg Seven case, in which a government informer was planted in the Bucknell library to help spy on the Rev. Philip Berrigan and other anti-Vietnam War activists, all of whom were acquitted.

"The library is a sacrosanct place, and the FBI has no business there," Horn said. "It undermines the very thing that the government is supposed to support, which is freedom of thought and speech and public debate. Librarians cannot accept the role of informants.

The 45,000-member American Library Association asked Congress last month to hold hearings on the FBI program, and the group sent special advisories to its chapters, reminding members a patron's privacy is protected.

37 state laws

Thirty-seven states have library-record confidentiality laws. Whether a person prefers Karl Marx or Judith Krantz, that person's selections of reading materials in those states under the law cannot be disclosed to anyone without a court order.

"The FBI has documented instances for more than a decade of hostile intelligence officers who have exploited libraries by stealing proprietary, sensitive and other information," the FBI said in a statement to the Library Association in September.

Hostile intelligence agents, the FBI letter said, have tried to "identify and recruit American and foreign students in American libraries.

1. What are the issues involved in this situation?
2. What tensions can be felt? (Who is against whom?)
3. What arguments would both sides give to support their position?
4. How is this library problem similar to our simulation problem?

CASE STUDY: ***Wilkinson vs. the FBI***

Frank Wilkinson, the son of a Methodist lay leader, was born in Charlevoix, Michigan. At the age of 10, his family moved to Beverly Hills. Upon graduation from UCLA in 1936 Frank planned to become a minister, but decided to take a world trip before entering religious studies. In the course of this trip he saw American slums for the first time and upon returning to Los Angeles, abandoned his plan for religious studies and embarked instead on a career in public housing.

Frank's political career took shape in 1939, when he became secretary of the Citizen's Housing Council of Los Angeles, a privately funded public-interest organization designed to promote the construction of low-rent housing. Three years later, he joined the L.A. City Housing Authority, where he served as assistant to the director and soon became a national authority on slum clearance. Among his achievements was serving as manager of the first integrated housing project in the Watts ghetto in 1942.

But Frank was abruptly removed from his housing position in 1952 when, in the course of a slum condemnation proceeding, he was called before California's "little House Un-American Activities Committee" and asked to name all the organizations he had belonged to since 1931. Refusing to answer, he was removed from his government job. He and two other Authority employees were targeted as communist agents-despite annual loyalty oaths all three had signed over the years-and lost their jobs. Wilkinson's wife was suspended from her job as a school teacher.

"The world just went up in flames," recalled Wilkinson, who spent the next 11 months looking for a job. He finally accepted an offer to work at a Pasadena department store as a janitor on the graveyard shift-with the proviso that he have no contact with other employees and not publicly disclose that the store had hired him. It was then that Wilkinson got together with other civil liberties organizers throughout the country and founded the Committee to Abolish the House Un-American Activities Committee, the predecessor of NCARL (National Committee Against Repressive Legislation).

He traveled around the country to organize the support for people subpoenaed before the committee. During the course of this campaign in 1958, the Southern Conference Educational Fund invited him to Atlanta to help organize resistance to a proposed HUAC proceeding there. Frank found himself subpoenaed to the Atlanta inquest. When asked by HUAC members about political affiliations, both he and the late Carl Braden, another civil liberties organizer, declined to answer on First Amendment grounds. Both men were cited for contempt and lost five-to-four decisions before the U.S. Supreme Court. (Wilkinson v. U.S., 365 US 397) They received one-year sentences, which they served in federal penitentiaries in Georgia, South Carolina, Virginia, and Pennsylvania. Upon his release, Frank returned to the work of abolishing the HUAC. By 1975 the HUAC was disbanded altogether.

At this time new, disturbing information came to light. The first hint that anything was amiss was a robbery on a Saturday afternoon in 1969 at the headquarters of the NCARL in Los Angeles. Four men rushed in, scattered the contents of the files across a table top, and took a file marked "correspondence."

It wasn't until four years later that NCARL officials began noticing similarities between their own robbery and a series of White House-directed political break-ins during the same period-in particular, the 1971 burglary of Danial Ellsberg's psychiatrist's office only a few miles away by a band of Cubans hired by Watergate conspirators G. Gordon Liddy and E. Howard Hunt.

NCARL's executive director, Wilkinson, wrote Watergate Special Prosecutor Archibald Cox and demanded to know if there was a connection. There wasn't, Cox wrote back, but Cox said he was nonetheless intrigued enough to turn over Wilkinson's letter to the FBI. Thus began more than 10 years of inquiries and litigation that eventually convinced Wilkinson that the FBI, charged with investigating the robbery, had perhaps committed it. A wave of documents that began flowing in from FBI offices all over the country revealed that Wilkinson had been a target of FBI surveillance for nearly 30 years.

His work promoting public housing in L.A., his speeches at college campuses and service clubs, his conversations with friends, bank deposits-all had been documented, analyzed, assigned reference numbers and deposited in FBI files. After Wilkinson's initial inquiries, the FBI admitted that it had accumulated 4,500 pages of surveillance reports documenting the milestones of his life. Then, when Wilkinson probed further, the agency admitted it had as many as 12,000 pages. Wilkinson then filed suit against the FBI for violation of his constitutional rights.

(Information for the case study taken from an article, *Frank Wilkinson and The Defense of Freedom*, by Bill Blum, from an NCARL printing; and article from the *Los Angeles Times*, Sunday, Oct. 18, 1987, entitled *Wilkinson vs. the FBI*).

HANDOUT #3

RED SCARE TIME LINE

Directions: Briefly describe how each of the following items relates to the fear of communism in America:

1. Russian Revolution
2. Creel Committee
3. "Red Summer" and General A. Mitchell Palmer
4. Sacco and Vanzetti Case
5. Bonus Army
6. Stalin-Yalta Conference
7. George F. Kennan and Dean Acheson's response to Russians in 1946
8. Truman Doctrine
9. President Truman's Executive Order to the FBI and Civil Service
10. Alger Hiss Case
11. House Un-American Activities Committee and Joseph McCarthy-State Dept. and Army charges (1950 and 1954)
12. McCarran Internal Security Act
13. Rosenberg Case
14. President Eisenhower's Security Order of 1953

HANDOUT #4

Meeting the Communist Challenge

by J. Edgar Hoover

If the history of communism and our experience in dealing with it have taught us anything, it is that we must view all Communist activities on the international, national, and local levels as different aspects of the total and continuous struggle the Communists are waging to bring about our destruction.

We did not create this struggle. It was set in motion in 1917 when the Communists in Russia overthrew and smashed a liberal, democratic government to establish their own brand of dictatorship. It was their intent then—and it has been their goal ever since—to establish a world-wide Communist dictatorship by any and all means. The Communists are waging this total struggle against the non-Communist world with a variety of weapons. They are active in all areas of human endeavor with relentless vigor and do not consider themselves bound by any of the traditional moral or legal restraints.

No rational, informed person can doubt that the Communist world poses a direct and treatening challenge to free men everywhere. It is a challenge which assumes many forms. It is a challenge which, while modern in form, is ancient in substance. It is, in essence, a struggle between freedom and tyranny. Freedom has always had to contend with tyranny. Freedom must be constantly won and rewon. It cannot survive unless those who cherish freedom are prepared to nourish, live by, defend, and develop it. Unlike communism, freedom cannot be imposed upon anyone. It must always be sought and, if necessary, fought for.

While communism must be achieved and maintained by force, it can never eradicate man's innate desire for freedom—our strongest weapon in the struggle against communism.

"What Is To Be Done?"

These, then, are the basic challenges of communism which must be met and defeated by free men. Lenin's study, *What Is To Be Done?* although published in 1902, is still hailed by Communists everywhere as a classic. This study serves as a guide for Communists throughout the world who are building their revolutionary parties according to the pattern developed by Lenin. Today, confronted with the challenge which communism has hurled at the world, free men are asking themselves, "what is to be done?"

There are many Communist activities, particularly those involving espionage and the underground apparatus, with which the average citizen cannot directly contend. Nor would it be desirable for the averasge citizen to play a direct role in combating them. To meet effectively the Communist subversive thrusts, it is essential to employ highly professional counterintelligence measures—measures for which the average citizen is neither equipped nor trained. Modern-day counterintelligence, with its emphasis on professional skills and training as well as its reliance on competent scientific aids, is a task for experts.

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HANDOUT #5

The New York Times

Founded in 1851

THE NEW YORK TIMES, THURSDAY, JANUARY 28, 1988

F.B.I. PAPERS SHOW WIDE SURVEILLANCE OF REAGAN CRITICS

BUREAU DEFENDS EFFORT

Undercover Agents Were Used in Effort Aimed at Foes of Latin American Policy

By PHILIP SHENON
Special to The New York Times

WASHINGTON, Jan. 27 — Documents made public today show that over five years the Federal Bureau of Investigation conducted extensive surveillance of hundreds of American citizens and groups opposed to the Reagan Administration's policies in Central America.

The documents, which were obtained by a New York lawyers' group under the Freedom of Information Act, indicate that the bureau's campaign began in 1981 and included the use of undercover agents, informers and surveillance of peace demonstrations around the country.

At one rally, the documents show, F.B.I. agents took photographs of marchers and recorded their automobile license numbers. Agents were also authorized to begin surveillance of students at Florida State University, the documents show.

A Civil Rights Charge

The lawyers' group, the Center for Constitutional Rights, has often opposed Reagan Administration policies. In this case, it charged that the bureau's activities violated the civil rights of opponents of the Reagan Administration's foreign policy.

But the F.B.I., acknowledging that it had conducted a surveillance campaign, said its investigations were legal and were based on reports of "alleged criminal activity." The bureau would not be more specific, citing an internal inquiry into the matter.

Even if the agents' actions did not constitute an illegal infringement of individual rights, disclosure of the extensive campaign seems certain to raise new concern about the surveillance of domestic groups involved in what appears to be legitimate political protest.

Some of the documents provided to reporters today, 50 pages of about 1,200 the center obtained from the bureau, demonstrate a hostility or cynicism toward the protesters. In one document, an agent in the bureau's Chicago office described the demonstrators as "made up, to a large extent, of the 60's activist type who is often described as 'a rebel looking for a cause.'"

Law-enforcement officials had previously acknowledged an F.B.I. investigation of the Committee in Solidarity with the People of El Salvador, or Cispes, a liberal group that is opposed to President Reagan's foreign policy.

But it was not clear until today that the inquiry had been so broad and involved so many other liberal groups. A Government official with knowledge of the documents said today that the investigation was begun in 1981 after allegations, never proved, that Cispes members had provided illegal military assistance to leftist guerrillas in El Salvador.

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YOUTH EMPLOYMENT: Equality/Right of Privacy Issues

Simone Donahue

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INTRODUCTION

As summer approaches, the teenager ventures forth in search of a part time summer job. Most students only look at the salary of that acquired job, not their legal rights or how the laws may or may not protect them. The following lessons will assist the job seeker to clarify why he/she works, the history of laws relating to teens, the rights of the young employee, and recent court cases involving youth in the work force.

AUDIENCE

History students dealing with reforms of the middle nineteenth century, history of the labor movement, law related courses dealing with recent employment legislation or court cases dealing with youth employment.

TIME TO COMPLETE

This is a four or five day assignment in a forty-five to fifty-minute class period. It can be used when teaching reform movements of the Nineteenth and Twentieth Century, or as a pre-vacation educational activity informing students who should know about labor laws and issues before employment.

GOALS

The goals of these four lessons is to help the prospective employee to:

- realize all the facets of youth employment, i.e. positive and negative aspects of work;
- understand legal rights of those under eighteen;
- appreciate the history of child labor in the U.S., and recent court cases in which employer and employee have been affected by labor laws, affecting youth.

PROCEDURE, PART ONE

1. Why Teens Work. What information do teens have about a job situation?
   a. The facilitator will initiate the topic by asking how many people have worked or will be looking for work in the near future. At this point, the facilitator wants the students to share their knowledge and gain the knowledge of the group.
   b. Students will break up into groups of five and make lists of *why* teens work, *what* jobs are available, and the positive and negative aspects of work in summer or during the school year. Each group will report on the information gathered, and the teacher will comment on the combined data.
   c. Teacher Background: Recent statistics have found that sixty percent of teen earnings is spent on consumer goods, thirty percent saved, and ten percent is given to help families. The National Institute for Drug Abuse in a University of Michigan study found a correlation between substance abuse and part time working.

PROCEDURE, PART TWO

1. Activity

   After the initial discussion, a short questionnaire will help students evaluate how much they know about their rights.

Questions	Yes	No
a. Can an employee be fired for any reason?		
b. Must an employee receive a lunch break and a rest break?		
c. Does the employee have a right to overtime?		
d. If money is missing, can an employer deduct the amount from your paycheck?		

e. Can your employer demand a polygraph test?
f. Can your employer demand a physical?
g. Can your employer demand a drug, blood, or urine test?
h. Must you have a Social Security Number to work?
i. Do part time workers receive benefits?
j. Will taxes be deducted from your paycheck?

2. **Answers to questionnaire**

a. Yes. Most states, like Texas, have "hire at will," "fire at will" laws.
b. Yes. Those employees working over four hours are entitled to both.
c. Yes. If you work more than forty hours a week, you are paid overtime.
d. Yes. Employees who handle money, like bank tellers and cashiers, are responsible for inaccurate records.
e. Yes.
f. Yes.
g. Yes.
h. Yes.
i. Yes. Workman's compensation. Social Security.
j. Yes. Most definitely.

More discussion and clarification follow answers to questionnaire.

PROCEDURE, PART THREE

1. Lesson Two: Recent Legislation and how youth employment is affected.
2. Purpose: Discussion of legislation in the last one hundred years of youth labor will help students to see the evolution of laws which protect youth in their individual states and some federal legislation.
3. Procedure: The facilitator will discuss recent legislation of this century in an historical perspective and how students' rights are protected by these laws.
4. **Teacher Background: The Reform Movement of the middle and late Nineteenth century brought youth labor to the attention of the** American public. Jacob Riis and Jane Adams were only two of the many who focused on the problem. It was probably the Triangular Shirtwaist Factory Fire on March 25, 1911, that emphasized child labor and led to legislation to **control it. State laws and federal laws first led the way by prohibiting employment of minors especially at night and in dangerous occupations. With the National Labor Relations Act, and in 1938 with the Fair Labor Standards Act, a ceiling was put on hours (40 hour week) and a floor was put on wages (forty cents became the minimum wage). Child labor was outlawed in industrial plants. The Fair Labor Standards Act of 1966 specified the ages and types of** employment permitted. The Immigration and Reform Act of November 1986 demands that workers give proof of identity and eligibility.
5. Activity I: The facilitator will review briefly the history of the reform movement, recalling people, and areas of reform, dwelling especially on child labor.
   a. Students may make a time line on labor legislation and the issues which led to the legislation. Students could brainstorm what other legislation could evolve in the near future.
6. Activity II: Brainstorm with students what jobs they would consider hazardous for a sixteen year old.

   Answer — Hazardous employment declared by the Department of Labor are jobs in coal mines, logging, machine elevators, operating bakery equipment, warehouse work, construction, ladder washing of windows, excavating, roofing, and using power driven saws.

   What other problems should be dealt with in regard to youth employment besides time, wages and hazardous occupations? Answer— hazardous materials such as chemicals, asbestos, equipment having questionable amounts of radiation.

PROCEDURE, PART FOUR

1. Activity III
   a. Library research and oral report. Students will choose a chemical element or compound and do research on how these substances can affect their environment negatively or positively.
   b. What do students know about hazardous chemicals? Name some.
   c. What are some jobs that might cause problems unless the employee is adequately protected?
2. Activity IV
   a. **Discuss some movies or newspaper stories dealing with this idea. *Silkwood*, etc.**
3. Lesson III

   Recent Court Cases and How Youth Employment is Affected.
4. Rationale: Students will discuss recent court cases and how they exemplify different aspects of labor laws and youth.

a. California Case of *Twilight Zone* movie in regard to child labor under 14

Background—on July 23, 1982 at 2:20 A.M. a helicopter crashed during the filming of the movie, *Twilight Zone*. Vick Morrow and two child actors died in the accident. Criminal charges of involuntary manslaughter were filed against the director, assistant director, unit production coordinator, special effects coordinator, and the pilot. Additional charges of child endangerment and conspiracy focused solely on the movie production people. Wrongful death actions were filed against all parties on behalf of the decedents.

Results of the case were: John Landis, director, and four associates were acquitted of involuntary manslaughter in connection with the deaths of the three actors in the filming of the movie.

Question: How did the law protect and fail to protect the actors? An actor under sixteen needed a work permit or employment certificate. The employer did not provide a safe work environment.

b. *Romano vs. Lomasney* — 4th Circuit Court of Appeals — Louisiana, December 2, 1982.

5. Background: Employee John Romano filed suit against employers for injuries sustained while working for a paint manufacturing corporation. His hair was caught in the machinery as he was scraping paint from a vat. Mr. Romano's scalp was ripped from his eyebrows to the back of his neck. Damages were asked for the surgical procedures necessary plus psychological damages suffered.

The decision was in favor of the employee for $500,000. Reasons—

a. The employer hired a seventeen year old to wipe high speed equipment in violation of the Child Labor Law.

b. Employer had the duty to require proof of age from the applicant.

c. The employer did not provide a safe work environment. (They were using an inherently dangerous machine.)

c. *Barger vs. Cox*—Supreme Court of South Dakota, October 24, 1984.

a. Background: On May 13, 1978 Judith Woodworth, manager of Latchstring, a resort, hired Samuel Wares, 16, as dishwasher and yard worker for the weekends and the summer. In the summer he was put in a cabin with the other youths. Ms. Woodworth imposed restrictions on the youth about visits to the cabin, and no drugs or alcohol use was permitted.

On June 9, boys from the town and other youths went to the cabin to have a party where drugs and alcohol were available. Later in the evening Wares dislocated his elbow and asked to be driven to a hospital. Cox borrowed a jeep to drive him to the hospital. Cox did exceed the speed limit as they approached a dangerous curve. Cox and another occupant were killed. Barger (Wares' mother) sued Cox and Latchstring Inn for recovery of hospital and medical expenses.

Result: Cox was found guilty of willful and wanton misconduct because of excessive speed, dangerous road conditions, and use of drugs.

The manager of Latchstring Inn was found guilty because she was responsible for the actions of the boys. Restrictions were imposed on the employees and the employers had the duty to be a supervisor to see that restrictions were carried out.

5. Activity I

Discuss other similar circumstances with this court case. How did the law protect the young employee?

Activity II: Students are to bring to class items which are proof of their identity and eligibility for a job.

Answer—The best proof of eligibility is the Social Security Number. The best proof of identity is the School ID, or Driver's License.

Lesson IV: Wages and Youth Employment

Rationale: The amount of money received is a key issue to employer and employee alike. Discuss the history of the minimum wage and the pros and cons of another proposed hike in the minimum wage.

6. Background: In 1938 forty cents became the first minimum wage. It was defined as the least amount of money that can be paid to an employee for each hour of work. By the 1970's it had risen to $1.60 an hour. In 1977 a new minimum wage was set at $2.65 an hour. The last increase was in 1981 to $3.35 an hour. There is presently a movement to increase it to $4.00 or $.450 an hour.

Goal: The goal of this lesson is to help students realize the history of the wages in twentieth century legislation, and the many variations of wages in the youth job market.

7. Activity I

Students will break up into groups of five and discuss wages they or friends have received,

making comparisons between the wages and the jobs. Each group will report on their findings and the class will analyze and interpret the findings.

9. Activity II

Students will research recent legislation proposed in the House of Representatives for an increase in the present minimum wages. Students will debate the pros and cons of increasing the present minimum wage.

TIPS FOR THE TEACHER

- What are the pros and cons for a present increase in the minimum wage?
  - Pro—Wages should increase as prices and the cost of living increase.
  - Con—Increase the minimum wage leads to inflation and forces employers to forego hiring.
- Class discussion questions.
  1. Do you agree there is a connection between money available because of wages and increased drug use?
  2. Does the minimum wage cover all jobs?

     No, not baby sitting, mowing lawns, caddying, delivering papers. . . . .

     Do you know?
     - Under the new tax law of 1986-87 a student who works may file a form and claim themselves.
     - There is a tax credit available that enables employers to deduct 85% of summer salaries they paid for certain youths.

BIBLIOGRAPHY

Boros, Michael E. *Tomorrow's Workers*, Lexington Books, D.C. Death and Company, 1983.

Dolan, Edward, Jr. *Protect Your Legal Rights—A Handbook for Teenagers*, Julian Messner, N.Y. (Simon and Schuster).

Greenbeyer, Ellen and Lawrence Steenberg. *When Teenagers Work*, Basic Books, New York, 1986.

Keefe, John. *The Teenager and the Interview*, Chapter 10, Employment Laws: Rights and Regulations, Rosen Press, N.Y., N.Y., 1971.

U.S. Dept. of Labor, Child Labor Requirements in Nonagricultural Occupations, WH Publication 1330.

VALUES AND PRINCIPLES OF THE AMERICAN FEDERAL GOVERNMENT

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INTRODUCTION

This lesson serves best as a summary for previous lessons on the development of the American federal government system. It causes the students to think about the essence of that system and how the system has and will have to adjust to changing situations. It fits best at the end of a course or at the end of a block on the basic features of our government.

This lesson focuses on the values and principles inherent in the American federal government, how these have been sustained over the last 200 years, and how they may be put under pressure by changes in the future. The lesson is primarily designed for student initiatives and discussion, with minimum direction from the instructor who serves mainly as a resource person and facilitator.

AUDIENCE

This lesson is appropriate for any high school class in Civics, American Federal Government, or a course focusing on the Constitution.

GOALS

As a result of this lesson, students will:

- have information on the impact of basic values and principles as they have affected past decisions and trends in our system;
- have the opportunity to examine selected historical events from a value oriented perspective;
- have the opportunity to predict the future direction of our system in some selected and typical areas.

TIME TO COMPLETE

Depending on the material previously presented and the ability of the students, this lesson requires from 3 to 5 fifty-minute class periods.

MATERIALS

1. Blackboard space for writing by each student, of butcher paper and space to tape up the paper.
2. Chalk or magic markers.
3. Handouts as described in the next paragraph (attached).

PROCEDURE

1. Values
   a. Explain the differences between values and ideals (values are strongly desired objectives to which resources are committed; ideals are strongly desired objectives lacking a commitment of resources). Give a personal example to illustrate the differences.
   b. Ask the students to write on the blackboard or on a paper and post an ideal that they have. Have the other students add to each posting concrete actions necessary to change the ideal into a value. Discuss the commitment and risk involved in adhering to values.
   c. Depending on the previous instruction, either review or ask the students, in small groups, to determine those values which are inherent in the American society and the American Constitution. See the attached handout for a standard listing; students will normally develop a similar list. See Moore and Roberts, 44-47.
   d. Homework for this part is to write a two page essay describing an episode from American history which illustrates one of the values of American society developed by the class.
2. Principles
   a. Explain what is meant by principles, basic guides for behavior and decision making. Give examples from your personal life. An example is "honesty."

b. Ask the students, in different small groups, to make a list of the principles inherent in the American Constitution. The list should be similar to that contained in the handout. See Moore and Roberts, 56-68, for a typical listing.
c. Post the various lists on the blackboard and identify the most common entries. Ask the students to explain why they made various selections. Also ask for examples of failure to adhere to some of the principles in our history (e.g., the principle of individual freedom versus slavery and discrimination).
d. Homework for this part is to find a newspaper or magazine article illustrating one of the principles in action in our government system today.

3. Maintaining Values and Principles
a. Remind the students of the difficulty in changing ideals to values (part 1). The same difficulty applies to the society over time.
b. Use an attitude survey such as that attached to contrast the belief in a value to the difficulty in maintaining that value in the face of personal pressures or threats to personal well-being. If time permits, this or a similar survey can be administered to the school or selected classes to obtain more data. See Patrick and Remy, 175-180.
c. Use a set of court cases (e.g., civil rights cases such as Dred Scott, *Plessy vs Ferguson* and *Brown vs Board of Education*) to illustrate the time and trauma involved in clarifying and sustaining values such as equality and individual freedom.
d. Homework for this part is to trace the changes that have occurred in a principle such as federalism over the last two hundred years — is the principle being violated? Is it being maintained in spite of changes in the procedures of the government? Which is dominant, original intent of the Founders, the letter of the Constitution, or current mores of the society?

4. The Future of the Values and Principles
a. Ask the students, in small groups, to review the values and principles and determine which they think are salient in America today, and which are not as well adhered to. Post the results.
b. Conduct a discussion of what the students see as the trends in the evolution of the American government system and what values are most at risk and why. Use recent news events as evidence. If necessary, this period can be extended to allow for gathering of actual data as evidence to support their arguments.
c. Close the lesson with a discussion of what actions the citizens and the government need to take to preserve the values and principles of our system.

EVALUATION

Homework assignments serve as the primary evaluation tool. Observation of student participation in the discussions and small group work is a secondary method for evaluation.

TIPS FOR THE TEACHER

1. This block was taught with great success to a class on American Federal Government, senior level.
2. Students tend to present unsupported opinions; make sure that they use historical and current examples to support their opinions.
3. There is some risk involved in exposing personal ideals to the group, but generally honesty is respected.

BIBLIOGRAPHY

Moore, John A. Jr., and Myron Moore. *The Pursuit of Happiness* . New York: MacMillan, 1985.

Patrick, John J., and Richard C. Remy. *Lessons on The Constitution*. Washington: American Historical Association, 1986.

HANDOUT #1

AMERICAN VALUES

DEMOCRACY

FREEDOM AND INDIVIDUALISM

COMPROMISE

JUSTICE

REASON

PROGRESS

HANDOUT #2

PRINCIPLES OF THE AMERICAN CONSTITUTION

RULE BY LAW

SEPARATION OF POWERS

CIVILIAN SUPREMACY OVER MILITARY MATTERS

POSSIBILITY OF CHANGE

POPULAR SOVEREIGNTY

JUDICIAL REVIEW

PROTECTION OF INDIVIDUAL RIGHTS

FEDERALISM

HANDOUT #3

ATTITUDE SURVEY ON AMERICAN VALUES

INSTRUCTIONS: Read each item listed below and indicate whether you agree of disagree with the statement. Read each item independently of the others and respond on your immediate response to the situation. Do not change any answers once you have entered them.

ITEM	AGREE	DISAGREE
1. Everyone should be free to practice his/her religion as he/she sees fit.	_____	_____
2. People in America have the Constitutional right to keep and bear arms.	_____	_____
3. All defendants in America have the right to counsel in a trial.	_____	_____
4. Groups who attempt to distribute religious literature in shopping malls should be restricted from bothering others.	_____	_____
5. Persons convicted of violent crimes should not be allowed to purchase hand guns.	_____	_____
6. One way to improve the court system is to restrict the type of trials requiring prosecuting and defense counsels.	_____	_____
7. Both state and national governments have the right and the need to levy income taxes.	_____	_____
8. American citizens should be allowed to meet peacably for political rallies whenever they want to.	_____	_____
9. It is correct for those opposed to war to withhold only that percentage of their taxes going to the military budget.	_____	_____
10. I would object is the American Nazi Party wanted to hold a rally in my home town.	_____	_____

NOTE TO TEACHER:

Items 1, 2, 3, 7 and 8 illustrate basic values and principles of our system. Items 4, 5, 6, 9 and 10 are examples of the former in practice.

CENSORSHIP AND BOOK BANNING IN PUBLIC SCHOOLS

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INTRODUCTION

Attempts to censor literature have allowed some teachers to become apprehensive about teaching a book that has been controversial in another location. By teaching about censorship and book banning through research, reading, writing, discussing and thinking, young adults will understand the implications of censorship and the importance of the first amendment.

Freedom of expression and freedom from restraints are important rights for every individual. It is necessary that students become aware of these rights and understand that book banning and censorship can occur at any time and in any place.

GOALS

As a result of this lesson, students will:

- acquire knowledge of the First Amendment;
- understand that the freedom to read and write is guaranteed by the Constitution;
- recognize the diverse social, moral, and economic values that are essential when confronting legal issues;
- understand the ways community values are expressed;
- understand that laws are continually developed by citizens;
- understand that open and free communication is essential to the preservation of a free society;
- develop and reinforce the following language arts skills:
    a. researching (using various resources, note-taking, outlining, writing drafts, writing bibliographies, using library skills)
    b. interviewing (developing good questions)
    c. writing (mechanics of expository, narrative, descriptive, letter writing)
    d. speaking
    e. listening
    f. group and class discussing
- provide basic intellectual freedom principles about censorship.

AUDIENCE

Junior high school students are the target population. These activities can take from one week to an entire semester to complete, depending on the activities that are selected.

TIME TO COMPLETE

The following activities and projects can be infused into any language arts curriculum. Teachers may select whichever activity that fits into their style of teaching and the student's mode of learning (activities are on separate sheets).

MATERIALS

1. Library Bill of Rights
2. List of Banned Books (This may be obtained by contacting the American Library Association. Also see ALA's *Intellectual Freedom Manual*, 1983.)
3. VCR
4. monitor
5. video camera
6. 35 mm camera
7. 35 mm slide film
8. video cassettes
9. shoe boxes
10. fishing line
11. audio-cassettes

PROCEDURE

1. Some of the most censored books in America include:

    The Adventures of Huckleberry Finn
    The American Heritage Dictionary
    Judy Blume books
    The Catcher in the Rye
    The Diary of Anne Frank

The Dictionary of American Slang
Go Ask Alice
Lord of the Flies
Where the Sidewalk Ends

Mark Twain, in 1907, said, "The truth is that when a library expels a book of mine and leaves an unexpurgated Bible around where unprotected youth and age get hold of it; the deep unconscious irony of it delights me and doesn't anger me."

2. Audio-Visual Activities
   a. Write a script and produce a film entitled "The Day the Books Were Banned."
   b. Design an overhead transparency illustrating a book that has been banned. Using the overhead, present an oral book report on the book.
   c. Videotape a "People on the Street" scenario regarding their views on censorship.
   d. Produce a slide-tape presentation on the research you have done on censorship.
   e. Produce a "book float parade" on censored books. With a student emcee and a commentator, videotape the parade. To make a book float, invert the bottom of a shoe box and decorate it with a scene or the main idea from the book. Use fishing line to pull the "float" during the videotape.
   f. Tape a rap session on censorship.

3. Discussion Activities
   a. People can say and write anything they want. What are the restrictions to this generality?
   b. What are possible consequences people risk when they refuse to respect the limits placed on freedom of speech and press?
   c. When librarians make selections for purchase, are they acting as censors? Should there be a written selection policy?
   d. Is there a difference between social responsibility and censorship?
   e. Should books be rated as movies are? (The present policy for showing movies in a school dictates the showing of G-rated movies only.) Develop a rating system for such a policy if one was determined for books.
   f. Who determines what should be taught/read in public schools? Who should?
   g. Discuss the justification for censorship in books.
   h. Discuss this statement and its implications. "The freedom to read is essential to our democracy."
   i. Discuss the Library Bill of Rights. Copies may be obtained from the American Library Association.
   j. Banning books that reflect world problems causes a person to neglect the real problems of the world. React to this statement.
   k. As a result of censored materials, would students be indoctrinated to one system of cultural and religious values? Discuss the need to protect traditional morality.
   l. Intellectual freedom is the ability to express *all* points of view. Discuss.
   m. Have students read a short interesting book in class and before it's finished, tell them it has now been banned.

4. Projects
   a. Read Mark Twain's *Huckleberry Finn* and the adaptation by Robert J. Dixon (McDougal, Littell and Company). Compare both versions. Which do you feel should be on the school library's shelf? Explain. Does the story lose the reader in the adapted version?
   b. View the videocassette, *The Day They Came to Arrest the Book* after reading Nat Hentoff's book of the same name. Evaluate both media on their presentation of the censorship issue.
   c. Read *Fahrenheit 451* by Ray Bradbury. Write a composition on how life would be affected if all books were burned. Discuss the effects on the individual, home, school, industry, business, occupation, etc.
   d. Pretend you are a book committee and review the following books for its appropriateness for an elementary school:

      BaNam by Jeanne M. Lee (ages 6-9)
      Harriet and the Robot by Martin Waddell (ages 7-9)
      Jeffrey's Ghost and the Ziffel Fair Mystery by Jean Kenjins
      Cinderella by Walt Disney
      Sylvester and the Magic Pebble by William Steig
      Haudie and Abe and the Dirty Book by Betty Miles

      for a middle school:

      Bury the Cat by Peter Carter (age 12 and up)
      The Dream Catcher by Monica Hughes (ages 12-16)
      The Return by Sonia Levitin
      The Pigman by Paul Zindel
      The Chocolate War by Robert Cornier

      Develop criteria for evaluating each book.

Be ready to defend your positions.

e. *Explain whether the book is a positive contribution to the school's library. Are there potential benefits?

f. Discuss the motivations that an individual or group might have to censor a book. Debate whether the book should be banned. Discuss the benefits and values that the book has and whether it should be retained.

g. Given the scenario of one of the following people or group choosing to ban a book (any book from the list of banned books), role play the feelings, opinions and views displayed by everyone else involved. This scenario might be from an actual case study.

librarian	school board member
parent	student
ACLU	community group
administrator	clergyman

*Role play situations can also depict one-on-one conflicts:

parent-child	teacher-child
parent-teacher	librarian-parent

After researching the First Amendment, create a newspaper. Include articles on the First Amendment, censorship cases, letters to the editor and an editorial.

5. Writing Activities

a. As an introductory activity, write a composition defining censorship and explaining how and why you think a book gets censored.

b. Write a five-page story that you feel would be censor-free. Distribute the written stories for evaluation and discussion. Is there *anything* in the story that could be censored?

c. Write an imaginary letter to the editor expressing your desire to have a book banned from the school library. Examples could be *The Chocolate War, The Pigman, Huckleberry Finn, The Diary of Anne Frank, Go Ask Alice*, or any other book of your choice.

d. Write a letter challenging the letter to the editor that has been written, expressing the desire to censor this book.

e. Write a Library Bill of Rights for your school library.

f. "Intellectual freedom allows people to believe, write, think and speak more effectively." React to this statement.

g. Research and define freedom. Write a paper giving instances when it has been violated.

h. Write a letter to the editor discussing how you feel about being denied the right to read.

i. Research a list of books which have been censored over the years from schools and libraries. Select one of these books and present an oral report on your views of the book.

j. Write a newspaper article covering the imaginary banning of a book in your town.

k. Write a rap on the First Amendment.

l. Write a letter to Nat Hentoff concerning your views on censorship and your opinion of his book, *The Day They Came to Arrest the Book*.

Nat Hentoff
The Village Voice
842 Broadway
New York, NY 10003

6. Guest Speakers

a. Invite one or more of the following speakers to class to discuss censorship or experiences with book banning:

- a librarian
- an ACLU representative
- an administrator
- a school board member
- a newspaper editor
- an ALA representative
- a clergyman
- a television anchor
- a parent
- an author
- a lawyer
- a textbook representative

b. National Organizations

1. Office of Intellectual Freedom
American Library Association
50 E. Huron Street
Chicago, Illinois 60611

2. American Civil Liberties Union
22 E. 40th Street
New York, New York 10016

3. National Council of Teachers of English
1111 Kenyon Road
Urbana, Illinois 61801

4. First Amendment Lawyer's Association
Suite 1200
1737 Chestnut Street
Philadelphia, Pennsylvania 19108

5. National Coalition Against Censorship
132 W. 43rd Street
New York, New York 10036

6. National Education Association
1201 16th Street N.W.
Washington, D.C. 20036

Association of American Publishers
1 Park Avenue
New York, New York 10016

Association for Educational Communications and Technology
1126 Sixteenth Street, NW
Washington, D.C. 20036

International Reading Association
211 Education Street
Indiana University
Bloomington, Indiana 47401

EVALUATION

Evaluation will take place through the successful completion of student's activities and projects, class participation and discussion, teacher observation, and student-teacher conferences.

BIBLIOGRAPHY

Bosmajian, Haig. *Censorship, Libraries and the Law*. New York: Neal-Schuman Publishers, Inc., 1983.

Busha, Charles H. (ed.) *An Intellectual Freedom Primer*. Littleton, Co: Libraries Unlimited, Inc., 1977.

Coffey, Jeff R. (ed.). *Student Press Law Report* Vol. VII, No. 3 Fall 1986.

Davis, Barbara. "Banned and challenged books know no boundaries. Show at library illustrates diversity of books' rejections." *Providence Journal* 29 September 1986.

The Day They Came to Arrest the Book. Videocassette. Ruby Spears Pictures, 1988 (60 min.).

DeGrazia, Edward. *Censorship Landmarks*. New York: R.R. Bowker Company, 1969.

Downs, Robert B. and Ralph E. McCoy (ed.). *The First Freedom Today*. Chicago: American Library Association, 1984.

Gibert, Barry. "Freedom and Liability." Editorial. *Providence Journal* 28 January 1988.

Hafen, Bruce C. "Hazelwood Reafirms First Amendment Values." *Education Week*.

Hentoff, Nat. *The First Freedom*. New York: Delacorte Press, 1980.

House, Roger. "Underground newspaper topics prompt editorial guidelines for student papers." Editorial. *Providence Journal* 8 June 1987: C-01.

Intellectual Freedom Manual (sec ed.). Office for Intellectual Freedom of the American Library Association. Chicago: American Library Association, 1983.

LaFarge, W.E.R. "Valued Work of Allen Ginsberg." Editorial, *Providence Journal* 23 February 1988.

Liston, Robert. *The Right to Know: Censorship in America*. New York: F. Watts, 1973.

McManus, Michael. "Many textbooks in public schools ignore religion's place in history." *Providence Journal* 14 March 1987.

Peck, Robert S. and Mary Manemann. *Speaking and Writing Truth*. Chicago: American Bar Association, 1985.

Perotti, Thomas A. "Students' Freedom of Speech." Editorial. *Providence Journal* 1 February 1988.

A Resource Guide on Contemporary Legal Issues. Washington, D.C.: Phi Alpha Delta Law Fraternity, International, 1981.

Riggs, Doug. "Judges, high school kids make Law Day ring true." *Providence Journal* 2 May 1987.

Sapolsky, Stephen A. "Student's Freedom of Speech." Editorial. *Providence Journal* 1 February 1988.

Schexnaydre, Linda and Nancy Burns. *Censorship: A Guide for Successful Workshop Planning*. Phoenix: The Oryx Press, 1984.

Scott, John Anthony. "Book Banning in the High Schools, 1975-81." *Social Education* April, 1982 pages 257-61.

Stone, Robert D. "School Libraries and the First Amendment: An Analysis of Island Trees." *NYSBA Law Studies*, Nov. 12, 1987, pages 6-9.

"Textbooks: court's deep thrust into the area of censorship," *Providence Journal* 10 March 1987.

Turner, Mary Jane and Lynn Parisi. *Law in the Classroom*. Boulder, CO: Social Science Education Consortium, 1984.

Woods, L.B. *A Decade of Censorship in America*. Metuchen, NJ: The Scarecrow Press, Inc., 1979.

CONFLICT RESOLUTION

Mike Fleck

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Green Bay, Wisconsin

INTRODUCTION

This is a hands on exercise for conflict resolution that could be used at any level but focuses on International Relations — Balance of Power.

The students will discuss the methods used by the United Nations to settle disputes. I have received permission from Jennifer Bloom to use her Conflict Resolution Wheel and the students can apply its use to the United Nations using some current conflicts such as Afghanistan, Falkland Islands, and Grenada. Using news magazines from the period they can see how these conflicts became wars and see what steps were used to resolve the conflict.

AUDIENCE

Senior High Students - Tenth Grade World History students.

TIME TO COMPLETE

Approximately three fifty-minute class periods.

GOALS

The students will:

- discover the alternative steps available in conflict resolution;
- determine how some recent conflicts were resolved;
- learn to use Bloom's Conflict Resolution Wheel;
- locate articles from newspapers and magazines to show different levels on the Conflict Resolution Wheel;
- learn the official steps the United Nations uses to resolve conflicts.

MATERIALS

1. Ms. Jennifer Bloom's Conflict Resolution Wheel
2. Copies of current newspapers or news magazines
3. Copies of Chapter Six of the United Nations Charter, Articles 33-51
4. A world history textbook

PROCEDURE, PART ONE

1. Hand out copies of the United Nations Charter (Chapter Six, Articles 33-51, "Pacific Settlement of Disputes").
2. Have the students read the Charter sections dealing with settlement of disputes (cited in previous sentence).
3. Have students locate and list the steps in conflict resolution in the United Nations Charter.
4. Discuss the steps the students have listed on their sheets or list them on the blackboard and discuss them.
5. Hand out copies of Jennifer Bloom's Conflict Resolution Wheel (Handout #1). Discuss the wheel and its use. Explain that you start on the top at 12 o'clock and keep moving clockwise around the wheel until the conflict is resolved or a war begins.
6. ASSIGNMENT: Take current newspapers and/or news magazines and fine examples of various steps on the Conflict Resolution Wheel.

PROCEDURE, PART TWO

1. Discuss assignment. Which steps were easiest to find? Which steps were hardest to find? Discuss some of the student articles to make sure students understand the steps on the wheel.
2. Choose one of the recent conflicts in the World such as Afghanistan, Falkland Islands, Genada, etc. Find 1-3 good articles on one of these conflicts and make copies for each student.
3. Have the students read the articles and make their own conflict resolution wheels by placing the various efforts of conflict resolution on a circle.
4. Discuss the student Conflict Resolution Wheels. Which steps from Bloom's Wheel were not used? Could the war have been prevented if all steps were used? Why did this war occur?
5. ASSIGN: Go back to the time period you were assigned for the first part of this unit. Select one of the wars that occurred during this period. Use the

Conflict Resolution Wheel and then list the steps used to try to resolve the war from your time period.

This could be done as a group using the same groups established for the assignment in the first part of the unit.

PROCEDURE, PART THREE

1. Discuss the assignment. Have one student from each group go to the blackboard (or overhead projector) and put their War and Conflict Resolution Wheel on for the rest of the class. Discuss each wheel.

EVALUATION

This would be part of a larger unit test. A good essay would be to make up a conflict and give as many details as possible. Have the students put the information on a conflict resolution wheel and analyze them.

BIBLIOGRAPHY

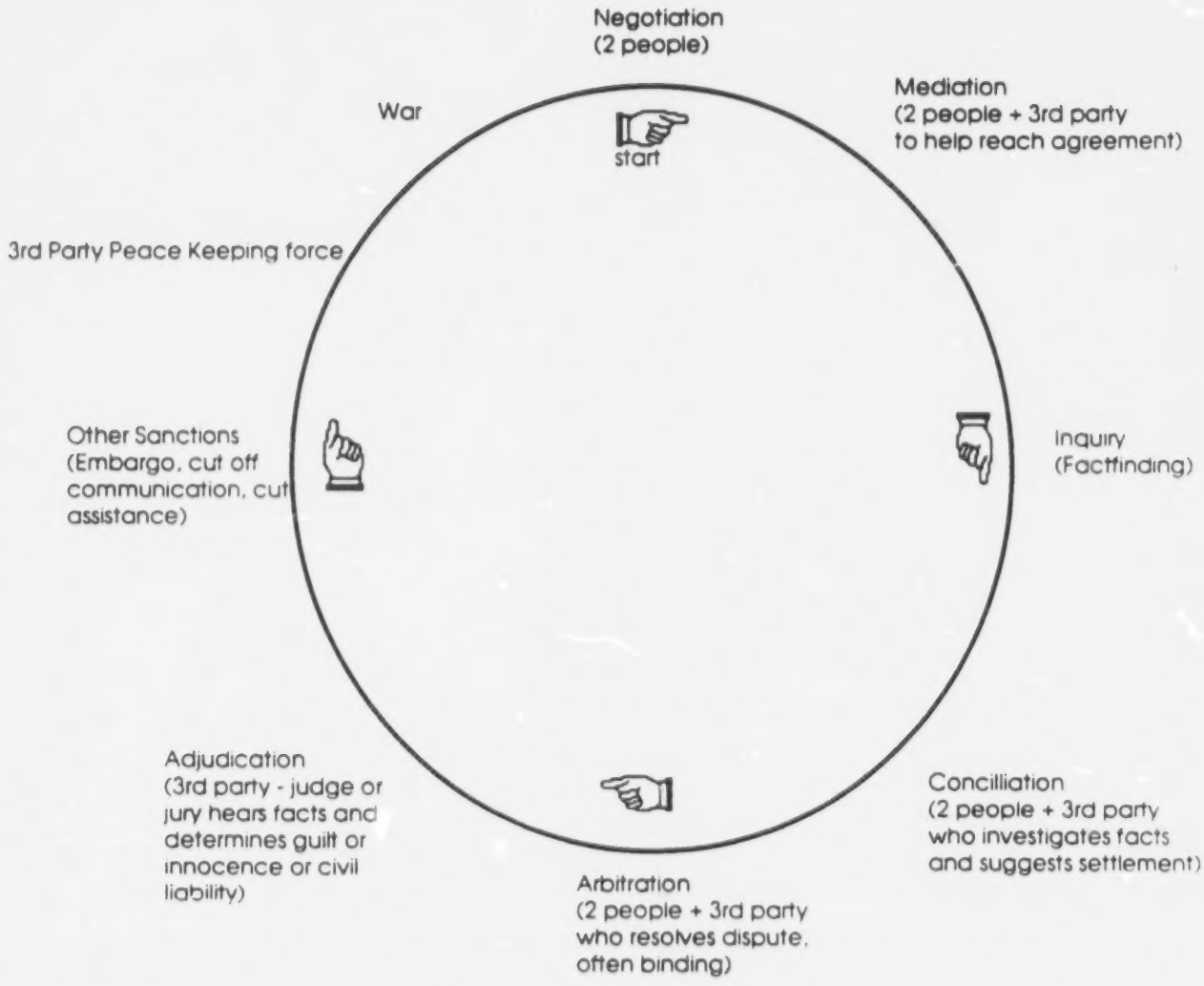
United Nations Charter - Chapter VI - "Pacific Settlement of Disputes," Articles 33-51.

Falkland Islands War — Look in any newspaper or magazine for the period May to July, 1982 and there will be numerous articles to choose from.

Grenada — Again look in any news magazine for November or December, 1983 and there will be numerous articles available.

Coyle, David C. *The United Nations and How it Works.* New American Library, New York, 1962.

CONFLICT RESOLUTION WHEEL



© Developed by Jennifer Bloom, Director, Center for Community Legal Education, Hamline School of Law, St. Paul, Minnesota, 55104

THE CONCEPT OF PRIVACY: The Evolution of the Right to Privacy and its Consequences

Paul K. Stuewe

Lawrence High School
Lawrence, Kansas

INTRODUCTION

In this lesson students will gain insight relating to the evolution of the concept of privacy. They will be involved in a cooperative learning activity in which the class will be divided into two legal teams and research the general question of the dimensions of privacy, to be argued in front of a judge, attorney, or legal scholar.

RATIONALE

Moving from the Twentieth to the Twenty-First century and from the industrial age to the age of information, privacy as a legal-political concept is constantly being redefined. Privacy as a concept has greatly expanded in the Twentieth century and now we are struggling to define its limits. Few issues so directly force us to deal with the foundations of our system of government and bring us face to face with the realities and difficulties of making it work. Therefore, the issue of privacy, on the cutting edge of American jurisprudence, offers the students not only the opportunity to study current issues, but also to study how the courts deal with the most difficult issues of our times.

AUDIENCE

This lesson is appropriate for students in grades eleven and twelve.

TIME TO COMPLETE

This lesson is designed for four to five class periods; however, it may be modified by using only the O'Brien essay from *Encyclopedia of the American Constitution* and Hixson's *Privacy in a Public Society*.

GOALS

The students will:

- realize the importance of privacy to American law and politics;
- analyze the evolution of the concept of privacy as it has developed through case law and philosophic argument and its implications for the Twenty-First century;
- understand the difficulty in defining legal terms such as privacy and describing their dimensions;
- experience a research model for analyzing complex legal issues such as privacy.

MATERIALS

1. *Encyclopedia of the American Constitution*, Leonard W. Levy, Editor-in-Chief.
2. A court judge, attorney or legal scholar.
3. Books and law review articles and select bibliographies from legal teams.

PROCEDURE, PART ONE

1. Begin class by relating a real life situation that deals with one aspect of privacy. I begin with an incident I witnessed one sunny spring day in a city park. Two young women were sunbathing in an open area of the park in their swimming suits. A man approached with a video camera and began filming the women. They objected quite forcefully but the man continued filming until they put on their clothes and left the park. Was this an illegal invasion of the women's right to privacy? Ask the class for their comments on the legality of this action.
2. Divide class into small groups, four students or less, and select a recorder. Brainstorm in small groups about the following questions (write on the board):

a. What is a good definition of privacy?
b. What rights to privacy to we currently have? (generalize)
c. Why is privacy more important today than in the past?

Have each group share their ideas with the class and write ideas on the board. Discuss the best ideas. Follow with a teacher directed discussion of ways privacy is invaded by the government and private industry, e.g.: wiretapping, electronic eavesdropping, hidden T.V. camera, polygraph, personality testing for personnel selection, dossiers of personal data, computer listings of personal data, drug testing, drug-aided interrogations, etc. List possible reasons for such invasions, i.e.: national security, public safety, consumer safety, law enforcement.

3. **Assignment:** Hand out a copy of *Encyclopedia of the American Constitution*, Leonard W. Levy, Editor-in-Chief, article, "Privacy" by David M. O'Brien, pp. 1167-1178. Assign the reading of this article for homework.

PROCEDURE, PART TWO

1. Divide class into two legal teams A and B (teacher should choose chairpersons and groups for balance).
2. The chairpersons will divide their legal teams into three small research groups and assign each research group one of the following topics:

Legal Team A
Recommended Select Bibliography

Topic: Research the questions of the definition of privacy and its foundation in the Constitution.

Legal Team A, Research Group I

1. O'Brien, David M. *Privacy, Law and Public Policy*. New York: Pareger Publishers, 1979.
2. Rule, James, Douglas McAdam, Linda Sterns and David Uglow. *The Politics of Privacy*. New York: New American Library, 1980.

Topic: Research the question of the evolution of right to privacy in case law and explain its current interpretation.

Legal Team A, Research Group II

1. Gordon, John A. "Process, Privacy and the Supreme Court." *Boston College Law Review*, Vol. 28, No. 4, July, 1987.
2. Pember, Don R. *Privacy and Press: The Law, the Mass Media, and the First Amendment*. Seattle: University Press of Washington, 1972.
3. *Griswold v. Connecticut*.

Topic: Research the question of the right to privacy in the Twenty-First century.

Legal Team A, Research Group III

1. Schoeman, Ferdinand David. *Philosophical Dimensions of Privacy: An Anthology*. Cambridge: Cambridge University Press, 1984.
2. Bier, William Christian. S.J. *Privacy: A Vanishing Value*? New York: Fordham University Press, 1980.
3. "Privacy" *Business Week* (March 28, 1988) pp. 61-68.

Task: Present arguments both philosophic and jurisprudential supporting a general right to privacy and argue for continued expansion of such rights. These arguments will be presented before a judge in class. Oral arguments wil be limited to twenty minutes per team.

Legal Team B
Recommended Select Bibliography

Topic: Research the question of the definition of privacy and its foundation in the Constitution.

Legal Team B, Research Group I

1. Westin, Alan F. *Privacy and Freedom*. New York: Atheneum, 1970.
2. McClellan, Grant S. *The Right to Privacy*. New York: The H. W. Wilson Company, 1976.
3. Hixson, Richard F. *Privacy in a Public Society: Human Rights in Conflict*. New York: Oxford University Press, 1987.

Topic: Research the question of the evolution of the right to privacy in case law and explain its current interpretation.

Legal Team B, Research Group II

1. Goderberg, Jeffrey W. "Bowers v. Harwick: The Supreme Court Redefines Fundamental Rights Analysis." *Villanova Law Review*, Vol. 32, No. 1, 1987.
2. *Griswold v. Connecticut* (1965).
3. Bork, Robert H. "Styles in Constitutional Theory." *South Texas Law Journal*, Vol. 26, p. 282 (1985).

Topic: Research the question of the right to privacy in the twenty-first century.

Legal Team B, Research Group III

1. Hixson, Richard F. *Privacy, Freedom and Responsibility*. Springfield, Illinois: Charles C. Thomas Publisher, 1969.
2. Rehnquist, William H. "Is an Expanded Right to Privacy Consistent with Fair and Effective Law Enforcement? Or Privacy, You've Come a Long Way Baby." *Kansas Law Review*, Vol. 23, No. 1, Fall, 1974.
3. Bork, Robert H. "Tradition and Morality in Constitutional Law." Washington, D.C.: American Enterprise Institute for Public Policy Research, 1984.

Task: To present arguments both philosophic and jurisprudential opposing the concept of a general right to privacy, as being unwise and unconstitutional.

PROCEDURE, PART THREE

1. **Format:** To the extent possible the teacher should make copies of the law review articles and check out books listed on the bibliography so the appropriate groups can have them available. If the teacher wishes, the students could go to a law library and do their own research. After two days of preparation legal teams should choose a panel of three persons, one from each research group. Legal Team A and B will then have twenty minutes each to argue their position in front of a judge, attorney or legal scholar from your community who will hear each argument and render a decision. The judge may interrupt the speaker for clarification at any time.

PROCEDURE, PART FOUR

1. The teacher will review presentations of the previous day and focus class discussion on the question of privacy in the twenty-first century. This will be followed by a written evaluation.
2. DEBRIEFING.
   Possible review questions:
   a. What is the current legal definition of the right to privacy?
   b. Why is privacy so difficult to define?
   c. What constitutional basis provides a general right to privacy?
   d. How has the right to privacy developed in case law?
   e. What is the current Supreme Court interpretation of a general right to privacy?
   f. What are some basic arguments for expanding the right to privacy?
   g. What are some basic arguments against expanding the right to privacy?
   h. List the areas where privacy is currently a central legal issue, e.g., drug testing.
   i. What possible issues may arise surrounding the right to privacy in the Twenty-First century?
   j. Using the concept of a right to privacy, show how law evolves from prior court cases.

EVALUATION

Fifty percent of each student's grade should be based on their group prepared argument, and fifty percent on an individual written post test using suggested review questions and allowing students to use their notes.

TIPS FOR THE TEACHER

- Begin at least two weeks prior to the lesson collecting and copying material. Obviously your best source will be a law school library but many of the books can be found in school, city or university libraries. Check out the books and make them available to your students to save time. Make certain each student begins by reading the O'Brien article on privacy from *Encyclopedia of the American Constitution* which is a basic resource every high school library should have. This article provides an excellent overview of the issue.
- Use care in selecting your judge. Most trial judges and attorneys are not well versed on this topic unless they have heard or tried cases on privacy. Provide them with the same reading the students will be using and check to see if they work well with students. University and law school Constitutional law professors may be your best choice if they are available.
- As the teacher you should also do some background reading in addition to the select bibliographies for the research groups and the O'Brien article. Make certain you have the background knowledge to answer all the questions.

BIBLIOGRAPHY

Bier, William Christian, S.J. *Privacy*. New York: Fordham University Press, 1980.

..... *Surveillance, Dataveillance and Personal Freedoms*. Fair Lawn: R. E. Burdick, Inc. Publishers, 1972.

Bork, Robert H. "Styles in Constitutional Theory," *South Texas Law Journal*, Vol. 26, p. 282 (1985).

..... "Tradition and Morality in Constitutional Law," Washington, D.C.: American Enterprise Institute for Public Policy Research, 1984.

Cowan, Paul. *State Secrets*. New York: Holt, Rinehart and Winston, 1974.

Ernst, Morris L. and Alan V. Schwartz. *Privacy: The Right to be Alone*. N.Y.: Macmillan Company, 1962.

Flaherty, David H. *Privacy in Colonial New York*. Charlottesville University Press of Virginia, 1972.

Gordon, John A. "Process, Privacy and the Supreme Court." *Boston College Law Review*, Vol. 28, No. 4, July 1987.

Government and Privacy: College Debate Series. Washington: American Enterprise Institute, 1971.

Halperin, Morton H. *Freedom vs. National Security*. New York: Chelsea House Publishers, 1977.

Harris, Louis. *The Dimensions of Privacy*. New York: Garland Publishing, 1981.

Hixson, Richard F. *Privacy, Freedom and Responsibility*. Springfield, Illinois: Charles C. Thomas Publisher, 1969.

..... *Privacy in a Public Society: Human Rights in Conflict* New York: Oxford University Press, 1987.

LeMond, Alan. *No Place to Hide.* New York: St. Martin's Press, 1975.
McClellan, Grant S. *The Right to Privacy.* New York: The H. W. Wilson Company, 1976.
O'Brien, David M. "Privacy" *Encyclopedia of the American Constitution,* New York: Macmillan Pub lishing Co., 1986.
..... *Privacy, Law and Public Policy.* New York: Praeger Publishers, 1979.
Packard, Vance. *The Naked Society.* New York: David McKay Company, Inc., 1964.
Pember, Don R. *Privacy and the Press: The Law, the Mass Media, and the First Amendment.* Seattle: University Press of Washington, 1972.
Rule, James Douglas McAdam, Linda Stearns and David Uglow. *The Politics of Privacy.* New York: New American Library, 1980.
Rosenberg, Jerry M. *The Death of Privacy.* New York: Random House, 1969.
Schoeman, Ferdinand David. *Philosophical Dimensions of Privacy: An Anthology.* Cambridge: Cambridge University Press, 1984.
Slouth, M.C. *Privacy, Freedom and Responsibility.* Springfield, Illinois: Charles C. Thomas Publisher, 1969.
Sobel, Lester A. *War on Privacy.* New York: Facts on File, Inc., 1976.
Wiggins, James Russell. *Freedom or Secrecy.* New York: Oxford University Press, 1964.
Westin, Alan F. *Privacy and Freedom.* New York: Atheneum, 1970.

SO YOU WANT TO BECOME A SUPREME COURT JUSTICE, Or Everything You Wanted to Ask a Supreme Court Justice Nominee

Edward Nicholanco

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INTRODUCTION

As Hamilton wrote in "*The Federalist Papers*" (No. #78), "The Judicial Branch from the nature of its functions, will always be the least dangerous to the political rights of the Constitution." But Hamilton also wrote in "*The Federalist Papers*" (No. #22) that "Laws are a dead letter without courts to expound and define their true meaning and operation." The institution of the "separation of powers" is a part of the essential concept by which our political system was founded under the Constitution of the United States. It is essential that students have an awareness of this premise and understand how this system works and how it has been used throughout the history of this country. This simulation lesson will contribute to their further understanding of the system.

RATIONALE

The rationale of this lesson is to enable students to actively participate in a simulation of the Constitutional procedures that provide for the appointment of a Supreme Court Associate Justice and the Senate Judiciary Committee hearings that take place.

The purpose of the simulation is to show how the "separation of powers" as established by the Constitution is a necessary and functional method that affects all three branches of the government. This lesson should be taught when examining the political institutions of our system of government.

AUDIENCE

This lesson is appropriate for grades nine through twelve for law, civics, government or Problems of Democracy classes.

TIME TO COMPLETE

Two to three weeks but the actual simulation would last for two to three days.

GOALS

As a result of this lesson students will:

- examine the functions of the Committee other than hearings for Supreme Court nominees;
- examine committee powers;
- be familiar with the names of the members of the Senate Judiciary Committee;
- attempt to examine the backgrounds of the Committee members;
- research information on historical past nominations both accepted and rejected;
- list the names of present members of the Supreme Court, their experiences and background for acceptance to the court;
- examine the history of Supreme Court selections;
- explore the U.S. Constitutional areas that reflect the "separation of powers" concept, including committees and full senate vote;
- read various articles on the most recent controversial nominees to the Supreme Court;
- explore the significance of the media involvement in the hearings;
- learn the powers that a committee has in Congress;
- learn about the procedural dialogue between the Committee and the nominee;
- explore the intricacies and difficulties of the selection process;
- examine and discuss what Hamilton meant in his statement about the Judicial Branch in the *Federalist Papers* (No. #78 & #22. See abstract);

- analyze the power and influence of the press in the use of editorial cartooning;
- develop an awareness of the values judged to be important in the selection of a potential nominee;
- appreciate the significance of the judge's life term;
- explore significant issues and backgrounds concerning the kinds of people who become Supreme Court Justices.

MATERIALS

1. Copy of the U.S. Constitution.
2. Student handout setting up simulation.
3. Student signup sheets.
4. Separate rooms for student groups to meet and organize.
5. Video equipment for taping.
6. Terms and vocabulary list.

PROCEDURE

1. See the attached simulation.
2. Debriefing questions:

a. What are the functions of the Senate Judiciary Committee?
b. Relate the "separation of powers" concept to Federal Court nominations.
c. What is the Constitutional process used to become a Supreme Court Justice or Federal Judge?
d. Is there any better method of going through the selection process (suggestions)?
e. What significant issues and backgrounds should be considered in the selection of a federal judge?

EVALUATION

1. Objective quizzes can be used throughout to evaluate content areas.
2. Essay tests can also be used to evaluate student progress.
3. Reports related to basic concepts of the lesson can be written.

TIPS FOR THE TEACHER

- Depending on class level some areas of the simulation may be deleted. For example, there might be some difficulty in the media segment. This simulation will not be dated because federal judicial appointments will always be a part of our future.

BIBLIOGRAPHY

"A New Majority Moves to the Right," *U.S. News & World Report*, July 13, 1987.

Baum, Lawrence. *The Supreme Court*, Congressional Quarterly Press, pp. 46-58.

"The Bork Battle," *Newsweek*, Sept. 14, 1987.

"Defining the Real Robert Bork," *Time*, Aug. 24, 1987.

"Far More Judicious," *Time*, November 23, 1987.

Guide to the Supreme Court, Congressional Quarterly, 1979.

"Spoiling for a Second Round," *Newsweek*, Nov. 9, 1987.

"The Honorable Court," PBS video special (outstanding documentary).

HANDOUT #1

PROCEDURE ATTACHMENT:

Simulation Situation:

An Associate Justice of the Supreme Court of the United States retired at the age of 80 so that he can finally "enjoy" the rest of his life. The political and philosophical makeup of the court at the time of the announcement was split with four justices tending to vote liberal, four justices tending to vote conservative, and the recently retired judge tending to be a true "swing" or vote-conscience judge. It is the constitutional duty of the President of the United States to appoint a new justice, but the majority of the Senate is needed to confirm the appointment. Before this vote can take place there must be a formal hearing by the Senate Judiciary Committee.

Simulation Roles:

Students will all participate in a simulation of a Senate Judiciary Committee confirmation hearing of a Supreme Court Associate Justice nominee. Class members will play the role of the Senate Judiciary Committee, the President, media, and court appointees.

A. President—

- Will be selected by the class.
- If more than one class member wants the position an election will take place.
- The President (Student) will announce the appointment nominee.
- The appointment will reflect his/her general political philosophy.

B. Media— (optional)

- The Presidential announcement of the nominee will be televised.
- The actual class Senate can be filmed.
- A mock newspaper will report on the hearings.
- The reports will be published as needed.

C. Justice Nominee—

- Potential nominees will submit their names to the President.
- Credentials and backgrounds will be based on those of court nominees.
- Nominee will present a written statement regarding his/her positions on the following suggested issues and cases.
  1. School prayer
  2. Abortion
  3. First Amendment rights
  4. Power of the press
- Nominee will answer questions as prepared by the Judiciary Committee.

D. Judiciary Committee—

- Will select a chairperson and a minority party chairperson.
- Establish a kind of seniority system in the committee.
- Establish rules and regulations to guide the hearing.
- Each student may role play an actual member of the Senate Judiciary Committee.
- Will prepare questions for the judicial nominee.
- At the conclusion of the hearing the committee will vote on the nominee.

SUPREME COURT NOMINEE - Positions

	FOR	AGAINST
1. Search and Seizure		
2. Self-Incrimination		
3. Double Jeopardy		
4. Speedy Trial		
5. Right to Counsel		
6. Cruel and Unusual Punishment		
7. Excessive Bail		
8. Due Process		
9. Abortion		
10. Affirmative Action		
11. Aliens		
12. Handicapped Rights		
13. Busing		
14. Sex Discrimination		
15. Church and State Separation		
16. One Man One Vote		
17. Gay Rights		
18. Right to Die		
19. Surrogate Mother Rights		
20. Good Faith Evidence		
21. Sodomy Laws		
22. Privacy Rights		
23. Capital Punishment		
24. Drug Testing		
25. Prayer in School		
26. DWI		
27. Right to Work Laws		
28.		

1. *Griswold*
2. Katz
3. *N.J. v. T.L.O.*
4. *Roe v. Wade*
5. *Gideon*
6. *Miranda*
7. *Tinker v. Des Moines*
8. *Fraser v. Bethel*
9. *California v. Bakke*

** The case citations for these cases are located in the table of cases at the end of the book.*

YOU CAN'T SEARCH THAT
Fourth Amendment Rights of Students in a School Setting

Kenneth M. Todd

Northwest High School
Jackson, Michigan

INTRODUCTION

When a student, his/her locker, gym bag, purse, etc. is searched for contraband, under what circumstances does the Fourth Amendment protect students, or does the School Administration have the right to investigate? Students need to know the school's authority concerning search and seizure and, in particular, their own rights in the school setting. Through knowledge of the Fourth Amendment, local school rules and the judgment of the Supreme Court, students should gain a greater understanding of their rights.

TIME TO COMPLETE

Four to seven class priods, fifty to sixty minutes in duration.

GOALS

Students will understand:

- the implications of the Fourth Amendment;
- that the local school district possesses the authority to make rules;
- the implications of TLO;
- that all students have the right to expect their rights and persons to be protected;
- how the school rules are to be applied.

MATERIALS

1. Ten exceptions to the search and seizure limitations for use with the prerequisite (See page 110).
2. The Fourth Amendment.
3. *Street Law*, Arbetman, McMahon, O'Brien, pp. 8-81.
4. School rules (or Student Handbook) of local school concerning student possessions or locker searches. Also, local or state laws or court decisions.
5. Speakers (see "Tips For the Teacher").
6. Sample videotape—dramatization of *TLO* and a scenario of an individual selling drugs, pills or marijuana from his locker. A teacher observes this from a distance and reports it to the building administrator who then searches the student's locker. This will be followed by a round table discussion with the local prosecutor, a defense attorney, sheriff, state police post commander and a judge. The length is approximately thirty minutes. This tape is available for a recording fee of $10. Send check, blank tape and self-addressed, stamped return container to: Kenneth M. Todd, Northwest High School, 4200 Van Horn Road, Jackson, Michigan 49201.
7. *TLO* Case and Supreme Court Opinion.
8. *People vs Ward* Mich App 46, 233 NW2d 180 (1975).

PROCEDURE, PART ONE

(Be aware that this simulation may cause strong reactions from students and parents.)

1. *Prerequisite:* Students shall have an understanding of the search and seizure laws as they pertain to adults in society.
2. **Day One:** Present a scenario for a quick response and feeling for the subject. Example: Select a class member who might possess contraband. Have that person called to the office toward the end of the previous class and plant pseudo drugs and paraphernalia on his person or in his/her gym bag or purse (i.e., joints made with oregano, some aspirin tablets and a couple of roach clips, all in a baggie).
3. Early in class have an administrator and a police officer appear with a search warrant, call the student out of class, and frisk and cuff him/her. Bring the student back to class. Have the officer ***ask permission*** to search his or her gym bag or

purse. After finding the plant, the officer will read the student his/her rights, detain him/her and remove the student from class.

4. Have questions ready including legal and ethical issues. Examples of such issues include:
   a. This is America . . . how can they be allowed to just walk in and search my purse/gym bag?
   b. I'm a girl/boy . . . what if I don't want a male/female administrator looking in my gym bag? Maybe I have personal items that would embarrass me.
   c. The Fourth Amendment says no searches or seizures without a search warrant. How can this be different at school? Is it just because we are kids?

   Have students justify the search using the Student Handbook.

PROCEDURE, PART TWO

1. **Day Two:** Bring officer and administrator back to class. Have them answer student questions and lead discussion. Students should have questions prepared.
2. **Day Three:** Hand out and discuss *TLO* Case, not including decision. (We are not looking at the privacy issue but at the school's authority to search.) How does this relate to the scenario and how is it different? Hand out *TLO* Decision and help the students understand it.
3. **Day Four:** Invite a panel consisting of a police officer, prosecuting attorney, defense attorney, judge and school administrator. Ask them to discuss *TLO* and allow students to ask opinions from the panel concerning scenarios they have created. Have time for an open question and answer period.
4. **Day Five:** Debriefing.
5. **Day Six:** Evaluation.
6. **Debriefing Questions**

a. How does the school, community or state define probable cause concerning searches on the school grounds? Why?
b. Does this conflict with Fourth Amendment rights? Why?
c. Does the school community in general have more or less rights than the individual to be protected from contraband, i.e., drugs and/or weapons? Why?
d. How do school and general public searches and seizures differ?

EVALUATION

1. A short paper showing an understanding of search and seizure rights in a school setting.
2. Test on school rules, exceptions and local or state laws concerning search and seizure.

TIPS FOR THE TEACHER

- Allow a committee of students to create a different scenario for the class.
- View the demonstration tape or any of the Justice Department tapes on search and seizure.
- Use individuals, as in the aforementioned panel, and/or others, who will share their expertise and will leave a lasting impression on the students. Individuals such as these are more than willing to come. . . JUST ASK THEM!
- The school administration needs less evidence to conduct a search than police officers need to conduct the same type of search. The police need probable cause that the crime has been committed in order to conduct a search. The school administration, on the other hand, needs only reasonable suspicion to conduct a search.

Ten Exceptions to the Search and Seizure Requirements:

1. Search subsequent to a lawful arrest.
2. Individual consents to search.
3. Administrative — when individual is arrested and booked.
4. Inventory—upon impounding of property.
5. Stop and frisk. Police are allowed only to search the outer clothing.
6. Border search. This includes any country or island bordering the U.S.
7. Plain view. Police can examine any item that is in plain view. This search is very limited.
8. Hot pursuit. When police are in hot pursuit of the accused they are allowed to search his/her belongings.
9. Emergency—accident.
10. Exigent circumstances—Police must have probable cause, and the area to be searched must be movable; i.e., motor home, car, trailer, etc.

SEARCH AND SEIZURE

New Jersey v. T.L.O.
105 S. Ct. 733 (1985)

On March 7, 1980, a teacher at Piscataway High School in New Jersey found two girls smoking in a restroom. Since this was a violation of school rules, the teacher took the two students to the principal's office. The Assistant Vice Principal questioned the two girls separately. One student admitted she had been smoking. However, T.L.O. denied she had been smoking in the restroom and claimed she did not smoke at all.

The Assistant Vice Principal asked to see T.L.O.'s purse. When he opened the purse he found a pack of cigarettes and also noticed a package of rolling papers. From his experience, he knew that the possession of rolling papers was commonly associated with the use of marijuana, so he searched the purse more thoroughly. He found a small quantity of marijuana, a pipe, several empty plastic bags, a substantial amount of money, a card that appeared to be a list of students who owed T.L.O. money, and two letters that implicated T.L.O. in marijuana dealing.

Thereafter, the State brought delinquency charges against T.L.O. in juvenile court. T.L.O. moved to suppress the evidence that was found in her purse, claiming that the search by the Assistant Vice Principal violated her rights under the Fourth Amendment. The trial court allowed the evidence to be introduced. On appeal the New Jersey Superior Court affirmed the trial court, ruling that there had been no Fourth Amendment violation. The New Jersey Supreme Court reversed, and ordered the suppression of the evidence found in T.L.O.'s purse, holding that the search violated her Fourth Amendment rights.

DECISION

New Jersey v. T.L.O.

Issue: Did the Assistant Vice Principal's search of T.L.O.'s purse violate her Fourth Amendment rights to be protected from unreasonable searches and seizures?

Decision: No. The Assistant Vice Principal's search was reasonable under the Fourth Amendment.

Reasoning: The U.S. Supreme Court held that the Fourth Amendment's prohibition against unreasonable searches and seizures applies to searches conducted by public school officials. In carrying out searches pursuant to disciplinary policies mandated by state and local government laws, school officials act as representatives of the state.

According to the Court, school children have a legitimate expectation of privacy in those legitimate items they bring onto school grounds. However, the Court noted, school officials have a responsibility to maintain discipline and a "sound educational environment." Thus it is necessary to strike a balance between the schoolchild's legitimate expectation of privacy and the school's equally legitimate need to maintain an environment in which learning can take place.

In striking this "balance" the Court concluded that the warrant requirement of the Fourth Amendment was "unsuited to the school environment." "[R]equiring a teacher to obtain a warrant before searching a child suspected of an infraction of school rules (or of the criminal code) would unduly interfere with the maintenance of the swift and internal disciplinary procedures needed in the schools."

Furthermore, the Court concluded that the "school setting also requires some modification of the level of suspicion of illicit activity needed to justify a search." Ordinarily a search must be based on "probable cause" to believe a violation of the law has occurred. However, that standard is not required in all situtations. Schools require a lower standard to accommodate the "privacy interests of schoolchildren with the substantial need of teachers and administrators for freedom to maintain order in the schools." Thus, "the legality of a search of a student should depend simply on the reasonableness, under all circumstances, or the search."

The Court concluded that a search of a student by a school official is constitutionally permissible when:

1) there are "reasonable grounds for suspecting that the search will turn up evidence that the student violated or is violating either the law or the rules of the school,"

2) the search methods and measures adopted by the official "are reasonably related to the objectives of the search and are not excessively intrusive in light of the age and sex of the student and the nature of the infraction."

HEAVY METAL AND DOGS "ROCK" THE FOURTH AMENDMENT

Rose Reissman

Community School District #2
New York, New York

INTRODUCTION

This five lesson privacy-centered module involves students in the study of an actual school-authorized search, as well as proposed school legislation authorizing the installation of metal detectors in New York City Schools. The set of lessons engages both right and left brain learners through a mix of oral and textual activities including examination of suggestive drawings as well as study of an actual student civil liberties case discussed in Nat Hentoff's *American Heroes — In and Out of Schools*. Although students need to be familiar with the text of the Fourth Amendment prior to participating in this module, the module is an experientially-based self-contained set of writing, thinking, role play, and simulation activities, revolving around two Fourth Amendment student issues.

RATIONALE

Given the number of violent incidents within our schools and the increase in drug use within our schools, various schools have authorized community sanctioned measures to ensure student safety and maintenance of an orderly learning environment. In many instances these measures have involved abridgment and/or curtailment of student Fourth Amendment Rights. The American Civil Liberties Union and other student advocacy groups have brought suit against such measures. These suits are supported by the concept that school safety and maintenance of order outweigh students' Fourth Amendment rights. Particularly, the proposals mandating installation of metal detectors in the schools, search through use of guard dogs and student strip searches affect students in schools in a real "immediate" sense. This study of a student centered constitutional privacy issue can fit easily into a contemporary American History, Sociology, Health Education, Drug Use, and/or Problem Solving/Futures curriculum. Even more importantly it actively engages students in confronting, examining, and exploring various approaches to civic/legal issues which they will have to help resolve as Twenty-First century citizens.

AUDIENCE

This lesson is appropriate for students in grades six through nine.

TIME TO COMPLETE

Approximately five hours of class time.

GOALS

As a result of this lesson, students will:

- actively engage in the study of Fourth Amendment privacy rights;
- participate in role play simulations and decision making in developing various viable alternative approaches to a given problem;
- integrate visual and verbal information;
- develop an integrated learning style;
- develop writing, communication and critical thinking skills through analysis of Fourth Amendment cases.

MATERIALS

1. Art handouts.
2. Search and Seizure Heavy Metal "Rocks" the Schools Quote Sheet — Quotes from *American Heroes: In and Out of School*. New York: Delacorte, 1987.

PROCEDURE

Period One:

1. **As an introduction to the 1979 Highland, Indiana incident, distribute "Search and Seizure" Guard Dogs in School drawing. Give students five minutes to examine and determine what Fourth Amendment/privacy problem it poses.**

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2. Have the students share observations and emotions about the drawing. Ask the students how they would feel if they were seated in the classroom pictured. Allow them to do a simulation and/or compose their thoughts as the dogs go up and down the aisles. Give them 10-15 minutes for this experience-based right brain activity.
3. Have the students suggest what other participants/persons were involved in the scene beyond the students. Elicit: Teacher, Guard, and Principal who authorized the search. Ask for volunteers to role play these individuals. Have the entire scene come alive as the students role play all the different viewpoints. List all the constitutional/privacy issues raised and the various points of view given by the different participants mentioned in the handouts and portrayed in the drawings.
4. During the second period have the students study chapter 3 "The Day the Police Dogs Searched Every Kid in School" in Nat Hentoff's *American Heroes: In and Out of School* and/or the "Heavy Metal and Police Dogs "Rock" the Schools" Quote Sheet.
5. Ask the students to review the constitutional/privacy issues and viewpoints raised by the drawings during period one. Have them compare and contrast these with the facts of the *Highland* case.
6. During the third period offer the students various formats to express their responses to this case. Depending on the class achievement/interest level and dominant learning style, spend thirty minutes involving students in at least one or two of the following activities reflecting various learning and teaching styles:
    - Debate the outcome of the case
    - Make additional suggestions
    - Recreate the actual case using role play and/or scripting
    - Paraphrase each of the "heavy metal" quotes and react to them
    - Create an interior monologue for Diane and/or other persons pictured
    - Write a personal opinion/persuasive essay arguing one position
    - **Detail what the decision should have "read"**
7. During period four use the "Heavy Metal" Rocks the Fourth Amendment drawing in the same fashion as was suggested in steps 1, 2 and 3. In this way students can be engaged in experiencing metal detectors.
8. In addition to having the students suggest what constitutional/privacy issues are involved in the use of metal detectors in the schools, ask them to consider any other factors which should be weighed in deciding whether or not metal detectors should be installed. Among such points to be evaluated, elicit or suggest: cost effectiveness, efficiency, effectiveness of the detectors themselves and/or practicality in light of the school population.
9. Use the first ten minutes of period five to engage in a debate where students will speak both for and against the installation of metal detectors. Highlight constitutional issues, but also allow for discussion of cost/effectiveness as a deterrent factor.
10. Include and/or introduce the NY State Barbara Clark proposal for the installation of Metal Detectors in schools. Ask the students to what extent they agree with this number of incidents as a justifying criterion for the installation of metal detectors. If they don't agree ask them what criterion if any they would propose.
11. Give the students a chance to come up with a series of at last three alternative solutions/approaches for the weapons problem in the schools.
12. **Debriefing Questions**
    a. **In what ways has drug use in the schools created Fourth Amendment problems?**
    b. What justification do school officials give for using guard dogs and strip searches in schools?
    c. What privacy arguments have been advanced against these measures by students/other concerned parties?
    d. What was the decision in the *Highland* case?
    e. To what extent do you agree or disagree with the decision?
    f. **Which quotation from this case makes the strongest statement? Why?**
    g. In what ways do the drawings help you to "see" or "experience" the constitutional/privacy issue involved?
    h. Which drawing would you least like to be authentic? Why?
    i. Why has the installation of metal detectors in the schools caused constitutional controversy?
    j. **To what extent, if any, do you feel metal detectors will work as a deterrent to violence in schools? To what extent, if any, is their installation constitutional? Explain your responses to each question.**

EVALUATION

- Produce a publication of plays, scripts, interior

monologues, persuasive essays and opinions called, "Heavy Metal and the Guard Dogs Rock the Fourth Amendment."

- Videotape a student debate on either of the cases/issues and/or do a set of videotapes featuring various role plays which can then be shown to other classes for audience response.
- Have the students write to NY State Legislature Assemblywoman Barbara Clark and/or NYC Chancellor of the Schools Richard Green.
- Have the students produce other drawings depicting alternative approaches to solving school drug problems and school weapons problems without abrogating the fourth amendment rights of the students.

5. Draft legislation preventing/supporting installation of metal detectors in specific schools/school systems.
6. Draft legislation preventing/supporting school authorities in classroom searches and seizures for the purposes of detecting school drug sales.
7. Develop a script for and/or improvise a school board meeting on the 1979 *Highland* case and/or the proposal to install metal detectors. An interactive video on this issue might be developed in collaboration with a filming class/club.

TIPS FOR THE TEACHER

ESL Classes, Special Ed. classes and/or classes with a large number of students reading below grade level might want to spend more time on lessons within the module using the visuals. These "visuals" can effectively communicate the experiences to the students involved as well as provide the teacher with concrete data to "visualize" the concepts.

BIBLIOGRAPHY

Brant, Irving. *The Bill of Rights*. New York: Mentor, New American Library, 1967.

Hentoff, Nat. *American Heroes: In and Out of School*. New York: Delacorte, 1987.

Hentoff, Nat. *The First Freedom: The Tumultuous History of Free Speech in America*. New York: Dell, 1981.

Mee, Charles, Jr. *The Genius of the People*. New York: Harper and Row, 1987.

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'Amendment Violation?
Yes and/no

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HANDOUT #3

HEAVY METAL AND POLICE DOGS "ROCK" THE SCHOOLS

Quotes from *American Heroes: In and Out of School*

By Nat Hentoff (New York: Delacorte, 1987)

CHAPTER III — "The Day the Police Dogs Searched every Kid in School" p. 45

1979 — Highland, Indiana — "Junior and Senior High School, 2780 students Share Facilities"

March 23, 1979—"The dogs were led up and down each side of the classroom from desk to desk, and from student to student. Each student was probed, sniffed, and inspected" (p. 49).

Fourth Amendment ...
"The right of people to be secure in their persons...and effects, against unreasonable searches and seizures" (p. 53).

"Diane's lawyers stated, 'The Highland authorities knew nothing in particular about any student except that he (or she) was present.' All 2,780 students were treated as equally suspect" (p. 55).

Justice Jackson on Fourth Amendment Rights:

"These...are not mere second-class rights but belong in the catalogue of indispensable freedoms" (p. 55).

Court of Appeals 1979 — "It does not require a constitutional scholar to conclude that a nude search of a thirteen year old child is an invasion of constitutional rights of some magnitude . . . we suggest as strongly as possible that the conduct herein described exceeded the "bounds of reason" by two and a half country miles."

Justice Brennan's public dissent:

"While school officials acting *in loco parentis* may take reasonable steps to maintain a safe and a healthful educational environment, *their actions must nonetheless be consistent with the Fourth Amendment.* The problem of drug abuse in the schools is not to be solved by conducting schoolhouse raids on suspect students without particularized information regarding drug users or suppliers" (p. 60).

"Schools cannot expect their students to learn the lessons of good citizenship when school authorities themselves disregard the fundamental principles underpinning our constitutional freedoms" (pp. 61-62).

TEACHING ABOUT DATE RAPE: A Mini Mock Trial Approach

Jerry Howland
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INTRODUCTION

Throughout my year in my Introduction to Law class I have my students present mini mock trials based loosely on the format of the television program *Miller's Court*. Two students act as opposing attorneys who question and cross-examine one witness each. The remainder of the class acts as the jury and delivers a verdict at the conclusion of the case.

We argue both civil and criminal cases of interest and importance to teenagers. Usually the primary purpose of the lesson is to give students an opportunity to prepare and present oral arguments. Sometimes, as in this case, the issue itself assumes primary importance.

RATIONALE

The rationale for discussing the issue of date rape in this lesson can best be expressed by looking at the results of a survey that was administered to more than 1,700 sixth through ninth graders by the Adolescent Assault Awareness Program of the Rhode Island Rape Crisis Center.

Question: Under which situations does a man have the right the force a woman to have sex without her consent?

Answer: Yes, if . . .

- he spent at least ten dollars on her
  boys—24%
  girls—16%
- he has been dating her for at least six months
  boys—65%
  girls—47%
- she let him do it before
  boys—70%
  girls—54%
- she has done it before with other men
  boys—31%
  girls—32%
- they are planning to get married
  boys—74%
  girls—67%
- they are married
  boys—87%
  girls—79%

I had found similar attitudes in my high school classes, particularly the ninth grade, before we presented this lesson. There was a dramatic positive change in attitudes after the follow up lessons. This lesson was first used in an elective law class and then presented to our ninth grade civics classes and our tenth grade health education classes.

AUDIENCE

Ninth through twelfth graders.

TIME TO COMPLETE

The lesson is designed for one class period (forty-five minutes) but may be extended as the general class discussion warrants. The mock trial itself is designed to take about twenty minutes with the remainder of the class for discussion.

GOALS

The students shall:

- exercise listening, public speaking and reading skills through writing and presenting oral arguments;
- be educated about the seriousness and prevalence of date rape;
- learn the rudiments of a criminal trial as well as the deliberation of a jury.

MATERIALS

Handouts for student participants:

1. A copy of the fact pattern
2. Procedure for a mini mock trial
3. Rules for mock trial questioning

PROCEDURE

1. Assign rules to the four student participants: defendant, defense attorney, victim and prosecutor.
2. Give the student participants the three handouts and allow them several days to prepare their arguments.
3. Have the students present the case before the rest of the class who act as a jury.
4. You act as the judge briefly explaining each step of the trial as outlined in the handout for attorneys.
5. Without discussion, have each member of the class write down his/her verdict and the reasons at the conclusion of the trial.
6. Open the class for general discussion of the verdict and the reasons.
7. (Optional) You may want to explain to the class that in a real criminal case the verdict must be unanimous; one at a time, allow the jurors to express their opinions to see if they can change the verdict of jurors with opposing verdicts.
   Note: Real juries usually take many hours to reach a verdict.
8. (Optional) Follow up lessons on the issue of date rape.

Debriefing

1. Student attorneys were asked to write about their experiences.
2. The entire class was asked to write about how they would have handled the type of situation as well as what could have been done to prevent it.
3. The entire class was asked to write a different ending starting with the point when Simone pulls away from Craig's first kiss.

EVALUATION

- Student attorneys and witnesses were evaluated based on the thoroughness of their preparation as well as the content of their presentation rather than their public speaking ability.
- A questionnaire could be developed to evaluate students' attitudes toward the issue of date rape before and after the lesson.

TIPS FOR THE TEACHER

1. In your role as judge, do not worry about the legal technicalities of a criminal trial. If questions or objections arise just use common sense to resolve them. The purpose is not to train competent trial attorneys but rather to give the students a vehicle for developing and presenting oral arguments.
2. If you have students who are shy or lack confidence you may assign more than one attorney to either or both sides.
3. You may allow students to develop their own fact pattern or change facts if both sides agree.
4. Do not allow the student attorneys to participate in the deliberations of the jury.
5. For follow up activities on the issue of date rape you may want to contact the following two sources:

   Preventing Family Violence: a Curriculum for Adolescents published by Massachusetts Department of Public Health Resource Center for the Prevention of Family Violence and Sexual Abuse, 150 Tremont St., Boston, MA 02111 (617) 727-0941

   Rhode Island Rape Crisis Center, 1660 Broad St., Cranston, RI 02905 (401) 941-2400

BIBLIOGRAPHY

McMahon et al., *Street Law*, 3rd Edition, West Publishing, St. Paul, 1986.

Preventing Family Violence: A Curriculum for Adolescents. Family Violence Curriculum Project, Boston, Mass. 1984.

Kikuchi, Jacqueline Jackson. *What Do Adolescents Know and Think About Sexual Abuse?*

Statewide Mock Trial Tournament Materials, The Law Related Education Committee of the Massachusetts Bar Association, 1987.

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FACT PATTERN

Craig and Simone worked in the same department for Delta, a large computer company. After completing a specific project that took two weeks of hard work together, Craig invited Simone to dinner in order to celebrate. Craig paid the entire dinner bill and the two went to a local night club and danced before heading home.

When Craig drove Simone home, she invited him up to her apartment for coffee which she served in the living room. After about 30 minutes Craig got up to leave. He approached Simone and began to kiss her. At first, Simone did not resist but after a short time she tried to pull away and told Craig it was time to say good night. Craig believed that she really did not want him to stop so he continued and forced her to have sexual intercourse. Simone was extremely upset but did not know what to do. She spent most of the night awake feeling confused, ashamed and responsible for what happened while Craig spent the night sleeping on the couch. Craig did not really want to force himself upon Simone but felt that she was leading him on and she really wanted to say yes. He believed that the only reason she said no was because she wanted to maintain an image as a "nice" girl. He felt that if she really had wanted him to stop she would have made more of a fuss by yelling or kicking.

Two days later, Simone decided to file a criminal complaint against Craig for forcible rape. She was told by the clerk that more than half of the reported rapes are committed by a person known to the victim.

Judge's Charge to the Jury

After the closing statements the judge (teacher) will instruct the jury as follows:

"In order to return a verdict of guilty of forcible rape, the prosecution must have proved beyond a reasonable doubt that Craig forced Simone to have intercourse without her consent."

Steps in a Mini Mock Trial

I. Opening Statements (Optional)

1. Prosecution (in a criminal case)/Plaintiff (in a civil case)

   After introducing himself/herself to the judge, the prosecutor (or plaintiff's attorney in a civil case) briefly summarizes the evidence which he/she presented to prove the case.

2. Defendant

   After introducing himself/herself to the judge, the defendants' attorney briefly summarizes the evidence which will be presented to rebut the case the prosecution has made.

II. Witness for the Prosecution

1. **Direct Examination:** The prosecution calls its witness and conducts direct examination (questioning). At this time, testimony and other evidence to the prosecution's (plaintiff's) case will be presented. The purpose of direct examination is to allow the witness to narrate the facts in support of the case.

   Note: The attorneys for both sides, on both direct and cross examination, should remember that their only function is to ask questions: attorneys themselves may not testify or give evidence, and they must avoid phrasing questions in a way that might violate this rule.

2. **Cross Examination:** After the attorney for the prosecution (plaintiff) has completed questioning its witness, the judge then allows the defense attorney to cross-examine the witness. The cross-examiner seeks to clarify or cast doubt upon the testimony of opposing witnesses.

III. Witness for the Defense

1. **Defense**

   The closing argument for the defense is essentially the same for the prosecution. Counsel for the defense reviews the evidence as presented, indicates how the evidence does not satisfy the elements of the charge, stresses the facts favorable to the defense and asks for a finding of not guilty in a criminal case or judgment for the defense in a civil case.

2. **Prosecution (Plaintiff)**

   The prosecution's closing statement reviews the evidence presented and indicates how the evidence satisfied the elements of the charge or claim, and asks for a finding of guilty in a criminal case or judgment for the plaintiff in a civil case. Because the burden of proof rests with the prosecution (plaintiff), they make the final statement in the case.

A SPACEPORT IN HAWAII: Pros and Cons

Anna Strawn

Pearl City High School
Pearl City, Hawaii

INTRODUCTION

This lesson is a role play concerning the pros and cons of using Hawaii as a site for the United States' first private launch facility. Since California, Florida, and Japan are also considering building a private spaceport, the issues developed in this role play regarding a spaceport in Hawaii are concerned with more than one area of our nation and world. The Japanese are considering building an island, an independent city-state in the middle of the Pacific Ocean. It would be home to a million people, two airports and a spaceport.

RATIONALE

Young people are faced with many complex and sometimes controversial issues. It is important for them to learn how to confront and deal with these sorts of issues. The themes in this lesson are complex and controversial. They include development and loss of a rural lifestyle as well as economic concerns and environmental concerns. The role playing activity on this subject matter could be used in any of the following classes: U.S. History, Government, American Problems, International Relations, Futures, and Environmental Studies.

GOALS

As a result of this lesson students will:

- gain the ability to apply given criteria when making decisions about controversial issues;
- develop an understanding of how the government and interest groups balance competing interests when deciding controversial issues.

AUDIENCE

This lesson is appropriate for students in grades eight to twelve.

TIME TO COMPLETE

Approximately two class periods.

MATERIALS

All handouts are included.

PROCEDURE, PART ONE

Day One

1. Distribute the first handout entitled, "Facts About Hawaii." Explain to the students that Hawaii is concerned about diversifying its economic base. Indicate that one way for Hawaii to do this would be to encourage a mainland corporation to invest in a small launch site on the island of Hawaii (Big Island). This would become the first private launch facility in the United States.
2. Distribute the second handout entitled "Principal Islands of Hawaii." Briefly discuss the map, the various islands, the location of the capital, and the four counties (see Facts sheet).
3. Explain to the class that they will be participating in a role play representing the views of the various groups concerned with the development of a small launch facility on the Big Island. The class will be divided into five groups. They will be addressing a legislative committee which must approve the launch site. The teacher may want to represent the legislative committee. The first group to speak will represent the government's views, the second group to speak will represent the business interests, the third group will represent the environmentalist concerns, the fourth group will represent the Native Hawaiians, and the fifth group will speak on behalf of the Attorney General's office giving testimony in regards to various legal aspects.
4. Give each of the five groups their appropriate Handout #3 and allow the rest of the period for preparation of their arguments.

PROCEDURE, PART TWO

Day Two

1. Give the students a few minutes to prepare their arguments. Begin the presentations in the order

listed in Day One number three.

2. Allow for rebuttal at the end of the role play. **Students may wish to take a vote on the building of a spaceport; or the teacher, acting as the legislative committee, may want to make the decision based on arguments presented.**
3. **Debriefing:** Ask the following questions of the students.
   a. Which group had the most effective arguments? Why?
   b. Can the problems and concerns that were brought up be easily resolved? Can every group be pleased with the outcome?
   c What future problems may arise? How can we best prepare for the future without harming the quality of life or our environment?
   d. How will future decision making be even more complex as the population grows and diversifies and our needs change?

EVALUATION

Ask each student to research an issue from their state that involves the same basic themes and concerns that arose during the role play. Develop and apply appropriate criteria.

TIPS FOR THE TEACHER

- Students may be interested to learn that the development of a spaceport launch facility continues to be a cause for debate in Hawaii.

BIBLIOGRAPHY

Borreca, Richard. "Doubts raised on space-age plans," *Honolulu Star Bulletin*, 25 August 1987, p. A 4.

"Carpenter supporting Big Isle space center," *The Honolulu Advertiser*, 2 September 1987, p. A 9.

Enomoto, Catherine. "Spaceport protest planned," *Honolulu Star Bulletin*, 22 May 1987, p. A 5.

Glauberman, Stu. "Pele worshipers lose at top court—file suit again," *Honolulu Advertiser*, 26 April 1988, p. A 4.

Hartwell, Jay. "House Ok's right-to-sue bill," *The Honolulu Advertiser*, 27 April 1988, p. A 3.

Hawaii Department of Business and Economic Development. Evaluation of the Potential for Space-Related Activities in Hawaii. Arthur D. Little, Inc. Ref. 59720, August, 1987.

Hawaii Department of Business and Economic Development. Hawaii's Quest for Space, November, 1987.

FACTS ABOUT HAWAII

ISLAND	POPULATION	EXTREME LENGTH IN MILES	SQUARE MILES
Hawaii	111,800	93	4,038
Maui	78,700	48	729
Oahu	816,700	44	608
Kauai	46,100	33	553
Molokai	6,700	38	261
Lanai	2,200	18	140
Niihau	214	18	73
Kahoolawe	0	11	45

LAND OWNERSHIP

State government owns 36.5%
Federal government owns 10.1%
Thirty-eight landowners own 40% (each with properties in excess of 5,000 acres)

ECONOMY

Gross State Product is $17.5 billion

- 33% = Visitor Industry (Tourism)
- 11% = Defense installations and activities
- 24% = Federal expenditure
- 4% = Agriculture

LABOR FORCE

- 80% in Honolulu County (Island of Oahu)
- 8% in Hawaii County (Island of Hawaii)
- 7% in Maui County (Islands of Maui, Molokai, Lanai, & Kahoolawe)
- 4% in Kauai County (Islands of Kauai and Niihau)

HANDOUT #2

PRINCIPAL ISLANDS OF
HAWAII

126

135

136

Group Five: Attorney General. This group is concerned with the legal ramifications of the spaceport.

Insurance for pre-launch, launch and third party liability combine to create high costs by underwriters who have suffered losses since 1983 in the space industry. 1987 premiums are likely to be in the order of twenty to thirty percent of the cost of the payload, which could seriously affect the profit margin of the venture. Governments may have to become insurers. This would be unlikely in view of the present administration's deregulating policies; however, the U.S. Congress could decide differently. There is some precedent for the government becoming insurers. The U.S. government has become insurer of some nuclear power plants. Other governments, such as Japan won't allow direct government involvement in insurance, thus possibly affecting foreign participation in the venture.

Another consideration would be liability. In regard to recent litigation involving the Space Shuttle, the ultimate liability may rest with the government. Recent Soviet missile testing five hundred miles from Hawaii also presents the problem of stray missiles.

The Hawaii State Legislature passed a bill during the 1988 session that gave Hawaiians the right to sue the state to resolve disputes involving two native land trusts. Hawaiians wanted the right to sue so they can get money to improve conditions for the 17,000 Hawaiians waiting for homesteads from the State Department of Hawaiian Home Lands which doesn't have the money to place people on the lands. The bill requires Hawaiians to exhaust all administrative remedies before suing and contains a two year statute of limitations. Recently the U.S. Supreme Court has refused to review an appeal filed by worshippers of the volcano goddess Pele. Native Hawaiians sued to stop geothermal development on the Big Island alleging it would violate Hawaiian Religious beliefs. They have a new suit challenging the state's decision to a land swap between developers and the state. The lands swapped were lands which the state holds in trust for Native Hawaiians.

OH, WON'T YOU BE MY NEIGHBOR?

Susan Wise-Curtis

Our Lady of Fatima
New Castle, Delaware

INTRODUCTION

This lesson is designed to help students understand some of the isses which may arise concerning the Fourth Amendment. Scenarios and discussion will allow students to see how the Fourth Amendment can be interpreted and how other issues concerning privacy can be interpreted, both now and in the future.

RATIONALE

This lesson will help students gain awareness and insights into relationships among people, values, ideas, and events as they learn and use significant facts from history, specifically the fourth amendment. Students will also discuss and debate at what point people relinquish their rights. In addition, the future of the Fourth Amendment will also be considered.

This lesson can be used in a historical, comparative, or literary context wherever the issue of privacy is raised.

GOALS

Students will gain knowledge and comprehension about the Bill of Rights. Students will use application, analysis synthesis and evaluation techniques in their discussion of the fourth amendment. They will also do group work in different activities which can include discussion, writing skills, and cartooning.

AUDIENCE

This lesson is appropriate for middle school students, but could be used for all levels. Class size is unimportant.

TIME TO COMPLETE

Approximately three to five fifty-minute class periods.

MATERIALS

1. The U.S. Constitution
2. Relevant portions of the State Constitution
3. Blackboard
4. Xeroxed or mimeographed sheets of enclosed activities
5. Markers/papers

PROCEDURE, PART ONE

Day 1: "Won't You be my Neighbor" - Rights continuum

1. Step 1: Before students enter room either on blackboard or paper taped about the room display these signs:
   - no rights
   - some rights
   - undecided
   - almost all rights
   - all rights
2. Tell students they are to decide who has rights in the neighborhood around their own home.
3. As you read each of the following descriptions the students are to go the station they feel is applicable to that neighbor. Keep a record.
4. Have students return to their seats. Ask them why they felt more adamant about some neighbors than others.
   a. Said to take nude photographs of small children. Rooms in house have blackout curtains. Usually seen with a camera. Candy in car.
   b. Heavy drug dealing is suspected at this person's house because of what neighbors see "as obvious" — lots of money being spent, new cars, many visitors wearing flashy jewelry.
   c. Rumors of AIDS haunt this blotchy faced new resident who lives alone. Keeps the curtains closed. Nude statue in impeccably kept garden.
   d. This house is inhabited by a radical right-to-life advocate with knowledge of explosives. Local abortion clinics have been bombed, two people killed.
   e. A vocal dislike for Blacks, Jews, Roman Catholics and immigrants makes this neigh-

bor suspect for recent cross burnings and other forms of violence against minorities. White sheets seen hanging on clothes line after episodes.

f. Neighbors with foreign accents who dress strangely are overheard saying that there are basic moral problems in America which can only be solved by severe political restriction.

PROCEDURE, PART TWO

Day Two: One class period —

1. Before students enter have tabulations on the board.
   (i.e. photographer — twelve no rights, five some rights, three undecided, four almost all rights, one full rights)
   will need constitutions/copy of school rules
2. Ask: What protects the personal rights of American people from any possible evils of government? (Bill of Rights) What are our rights that are protected by the Bill of Rights? (Examine Bill of Rights)
   Examine Fourth Amendment:
   The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.
   Clearer explanation:
   This amendment prohibits unreasonable searches and seizures. However, the police do not need a warrant for a search and seizure if they are witness to a crime or are in hot pursuit of a criminal, nor do they need one to search a movable object, such as a car, since it could vanish while a warrant is sought.
   There are two types of unreasonable searches and seizures. 1) those made without warrants when warrants are required, and 2) those that do not comply with the elements of the warrant. For it to be a proper search, a warrant must be issued by a court (judge), there must be good reason for its use, and it must describe in specific terms the place to be searched and the person or thing to be seized. Evidence secured by an improper search and seizure is inadmissible in any court.
3. Questions:
   - Do you have any rights?
   - What are your rights?
   - Where do your rights come from? (parents to school rules to constitution)
   - Pick up someone's bookbag, pocketbook and ask to look inside. If permission is denied, why?
   - **Where does it say in the Constitution that you have the right not to be searched?**
   - **Review the Fourth Amendment.**
4. **Divide the class into groups of four or five - supply each group with a mimeographed set of papers - in their groups have them do Handout #1 while they move from group to group.**
   When the groups have a working definition of privacy, special, peculiar, individual, secret, not public, retired, privy, secluded, concealed, solitude, isolation, aloof, exile, exclusive, have them turn to Handout #2. Assign each group a hypothetical case and answer these questions:
   - What is the issue?
   - What does this imply?

   Then they are either to prepare
   — two political cartoons
   — a skit or
   — interview show
   which will explain their article's issues and the implications involved. These will be shown or performed before the class.

PROCEDURE, PART THREE

1. Have students (finish) perform their skits or share their cartoons with class.
2. **"Oh where, oh where do we go from here?" (See Handout #3)**
3. **Predictions 1984**
   Background: George Orwell's book *1984* was published in 1949. He pictured a future society. On the handout are some of his predictions. Do the students think the predictions Orwell made were based on actual events of world situations?
   Read the predictions:
   - Discuss the implications of loss of personal privacy at home as described in *1984*
   - Do any historical or technological events since World War II (1948) support any of the predictions?
   - Are any of the predictions likely to happen?
   - How would the U.S. need to change to become Orwell's predicted future society?
   - Could your grandchildren live in that society?
   - Who might want to keep something private?
   - What are the benefits of the telescreen?
   - What are the costs to society of the use of the telescreens?

PRIVACY HANDOUT #1

1. (List 5 to 8 synonyms for privacy)
   1. _____
   2. _____
   3. _____
   4. _____
   5. _____
   6. _____
   7. _____
   8. _____
2. Definition of privacy as seen by the group.

HANDOUT #2

Have each group turn to page two and read their article on privacy:

When they finish their article they are to answer these questions:

- What is the issue?
- What does this imply?

Then they are either to prepare

— two political cartoons
— a skit or
— interview show

which will explain their article's issues and the implications involved. These will be shown or performed before the class.

SPARE ME!

Bill's junior high had been having many problems with vandalism. In the past week there had been a fire on the bus, four windows broken, and a small explosion caused by three cherry bombs in the boys' bathroom which was located next to the art room. Rumors spread all through the school as to who caused the explosion. One such rumor reached the principal's office when two students told her that they heard Bill had a bag of cherry bombs in his extra desk.

The principal called Bill into her office and asked him if he had cherry bombs in his spare desk. Bill said he did not, but the principal was not convinced. She told Bill that if he did not have the cherry bombs in his spare desk then he would not mind the principal's opening the desk to make sure. Bill said he did not want anybody going through his desk and would not open it for the principal.

The principal became angry and said she would open it anyway and called Howard the maintenance man to bring the master key. Bill yelled at the principal and said he knew his rights and that the desk was his and no one could open it without his permission. Disregarding what Bill said, the principal went to Bill's desk, opened it and found all kinds of missing art supplies, but found no cherry bombs.

FRISKIE STUDENTS!

The past two weeks at the junior high school had been terrible. Four students were sent to the hospital, two students arrested, and all the students frightened about their safety as a result of a gang war between the Manors and the Eagles taking place not only in the school but also in the community. The two gangs developed when the Manors blamed the Eagles for a police raid at a party. The Eagles denied having done it but soon tempers began to rage and within two weeks there was a near riot on the school playground resulting in injuries and arrests.

In order to insure the safety of the students and the staff, the principal decided that each student would be frisked upon entering school to check for weapons. Many of the students thought this was a good idea, but others believed the principal had no right to frisk them and would not allow themselves to be frisked. Some of the students were not members of either gang. When they refused to be frisked, they were not permitted to enter the school.

BOOK-IT!

Mrs. Jana, the school librarian, informed the social studies teachers that three expensive books on ancient Greece which had been purchased recently by the school for reserve use but had not yet been checked in, processed, and labeled by the library were already missing. Mrs. Wise, a social studies teacher, said she had given her students a term paper assignment and that she knew that one boy had decided to write about the government of Athens. She suggested Mrs. Jana check with the boy, Joe Steel.

Mrs. Jana decided to take this information directly to the principal where she asked to inspect Joe's locker for the books.

The principal and the librarian opened the locker while Joe was in class. They discovered the new ancient history books. When confronted with the evidence, Joe admitted that he had taken them, but argued that his right to privacy had been violated by the locker search. Because he had been in some previous trouble in school, and in view of the strict school rules against misappropriation of school property, a suspension hearing was called, and Joe came with his parents and their family lawyer.

ROCK 'N' ROLL

Ryan Steel had a free period plus his lunch period back to back on Monday. Since new school rules allowed students to leave the grounds when they did not have class commitments, Ryan went to the record store across the highway. The store owner Mr. Roll was sure he'd seen Ryan put one or more albums under his coat and leave without paying. Mr. Roll had been unable to catch up with Ryan.

As an independent business person Mr. Roll was concerned about the increased costs of shoplifting. He thought he recognized Ryan as a student from the school, and upon checking with the school over the phone he was able to ascertain his name.

Later that afternoon, Detective Armitage of the local police came to the school following a complaint from Roll and asked the school principal whether he could have permission to search the boy's locker for the records. Consent was given.

HANDOUT #3

Predictions 1984

1. Orwell predicted a world of three superpowers.
2. The people in Orwell's world are controlled by telescreens in their homes and at work which monitor their behavior.
3. History and language are controlled and molded to fit the latest party policies.
4. Adherence to the party line is maintained by the thought police who use psychology and torture to keep the populace in line.
5. The thought police may be watching you some of the time or all of the time.

Draw one or two trees on the board. The future of the Fourth Amendment can be seen by a future's tree. It may be seen in either of two ways - it depends on how the class goes. You might even want two trees. The tree's roots are the events which shape the tree's trunk (issue areas) and the branches are what stems from the trunk's issue.

AIDS — IT CAN KILL YOU

Theresa P. Dinius

Fort Johnson Middle School
Charleston, South Carolina

INTRODUCTION

Students will read information booklets about AIDS prepared especially for young people. They will consider current information on the seriousness of the disease, and how it is spread. The lesson will take students through role-plays, discussions, creative writing, surveys, etc., in order for them to see the future implications of privacy in dealing with the AIDS virus. **Due to the controversial nature of the following material, teachers are advised to contact administration and parents before implementing this lesson. Teachers may want to obtain written permission from parents and school board.** Be certain before you attempt to teach this lesson that you personally feel competent and comfortable with information and fact about AIDS.

RATIONALE

With the misinformation about AIDS many new laws have been created. Students need to look at the motivation behind these laws as well as their content. Laws should support the principle of privacy, as identified in the Constitution.

AUDIENCE

This lesson is appropriate for a middle school heterogeneous class, but it could be used for ninth or tenth grade students.

TIME TO COMPLETE

A minimum of three class periods of fifty minutes in length to a maximum of five in order to implement and complete instruction of this lesson. Some activities could take longer or be shortened depending on involvement of students.

GOALS

As a result of this lesson, students will:

- be able to tell the cause of AIDS and steps to its prevention;
- be aware of problems and controversy centered around AIDS;
- predict what the government should do about AIDS. Students will discuss discrimination as it pertains to AIDS and privacy;
- write a short summary of their reactions to recent news articles and predict future implications to privacy rights;
- discuss discrimination as it pertains to AIDS and compare it to discrimination of leprosy patients in Biblical times.

MATERIALS

1. Brochures or pamphlets on AIDS
2. Newspaper articles on AIDS
3. Magazine articles on AIDS
4. Paper and pencil
5. Bulletin board paper

PROCEDURE

The teacher should scan through these articles and select the ones she/he feels would be relevant for her/his class.

1. The teacher should read and become familiar with current articles, books, brochures and reports on AIDS for background information prior to introducing this lesson.
2. Use the following line of questioning to motivate discussion among your students. "How would you feel if there was a student in your classroom whom you knew carried the AIDS virus? What would you do? What would you say to them? Would you discriminate against them? Would you be any different if the student had another infectious disease instead of AIDS?" Tell the students that for the next few days they will be discussing AIDS. Give them a short true/false

pretest before discussion. Ask "What do you know about AIDS?" List their facts on the board. Try to list their answers in terms of AIDS' characteristics, AIDS' symptoms, AIDS' transmission.

3. Distribute the brochure or pamphlet (current *Science World* magazine or one of the starred items in the bibliography) and read for information to find out more about AIDS.
4. Distribute newspaper articles about the AIDS virus and different incidents or reports from around the city, state or nation. Students should work with a partner and discuss what they read, and write a short summary to present to the class. They should include in their summary predictions of what could happen next. They can make up questions about their reactions to the articles for the rest of the class.
5. Working with the same partner, students will brainstorm situations that could cause controversy about AIDS as it limits a person's privacy and affects his/her rights as a citizen.
6. Create a worksheet listing different careers. Have the students predict the effect AIDS would have on persons in their job if they are a carrier. Possible suggestions for professions include dentist, doctor, mortician, police, teacher, veterinarian, beautician, waitress, garbage collector, seamstress, lawyer, gardener, gas attendant, computer programmer, singer, minister, TV actress/actor, florist, grocery store cashier, butcher and secretary. Students can add other jobs if needed. Have students determine whether that particular job should require mandatory testing of all employees for the virus or only prospective employees. Have students explain how this invades privacy rights.
7. Students will work in small groups identifying TV shows that have some discrimination in the plot. Students should hypothesize how the script would change if the discrimination was about someone with AIDS. Students should report their findings to the rest of the class.
8. Several students can volunteer to role play a situation involving a person with AIDS applying for a job, a babysitter arriving on the job and learning the child has AIDS, a situation where they are a volunteer for the AIDS hotline and get a call, or a situation where a student has AIDS.
9. This could lead into the discussion of "what if" questions. Students supply their responses and make up some of their own situations for "what if!" (1) What if your doctor call you after your annual physical and tells you you have AIDS? (2) What if your sister has AIDS? (3) What if your best friend has AIDS? (4) What if you were a doctor and were asked to treat an AIDS victim? (5) What if you were a scientist and you discovered a cure? (6) What if your teacher had AIDS?
10. Students will recall whether or not people have historically reacted the same about other contagious diseases such as leprosy. Were laws passed? Do laws passed about AIDS violate rights to privacy? Are there instances where the welfare of the general public supersedes privacy rights?
11. **Debriefing**

    Discuss your goals for the lesson and ask students to comment on the activities, projects, and articles they read on AIDS. Ask if they think people's privacy is invaded by so much controversy on AIDS? Make up some questions you could ask an AIDS carrier. Identify privacy concerns for persons with AIDS. How does AIDS compare with someone who has cancer or is handicapped? Assign the students to create survey questions to ask a neighbor, their parents, and other students or teachers about their feelings about people with AIDS. After the survey, determine if people are knowledgeable about the virus and if they harbor positive or negative feelings towards victims. Have students summarize their findings of the survey as it deals with privacy rights.

    Have students summarize their experiences working with a partner. Have students create a short test on facts vs. myths about AIDS and swap with a partner.

EVALUATION

The teacher can evaluate the student on whether he/she completes the assignments and if he/she can tell facts about the AIDS virus and some of the problems surrounding people who carry the virus. The teacher should ask the student to write positive and negative comments about the lesson.

The students could work in small groups to do one of the following projects for a grade:

- Create a school brochure or newsletter to be distributed to the school about their activities and findings and even a possible hypothetical story for readers to solve or think about.
- Create a bulletin board dealing with some aspect or rights of AIDS victims and their privacy.
- Draw a cartoon series dealing with any humorous

side of the AIDS epidemic or dealing with serious side of the virus.

Create a jeopardy game or some other quiz game where they would quiz contestants on their knowledge of the AIDS virus.

Pretend to be the President and a group of Senators and Representatives. Propose laws existing with AIDS. Students will need to research existing laws and report them as well as their own.

Pretend they are Supreme Court judges and research some of the current cases that have come up dealing with infectious diseases or related issues. *School Board of Nassau County, Florida v. Arline*, 107 S.Ct. 1123 [1987] deals with the school teacher who was fired from her job solely because of her susceptibility to tuberculosis.

TIPS FOR THE TEACHER

- Make sure you have read up on the subject and at least have a few facts under your belt to squelch any myths or falsehoods that may arise in discussions. Be prepared for snickering and immaturity on the part of some students. You may want to inform students' parents that you are going to teach a lesson about AIDS and invite them to visit or talk with you. Some of the activities can get a little noisy depending on how your small group activity management personal plan is arranged or carried out. Decide in advance how you will set up the groups and discuss how to work in small groups with your class.
- You may want to start collecting newspaper articles about AIDS early and even have students collect some for you. You may want to contact the local Red Cross ahead of time to send in a speaker or just to talk to you. You need to keep the discussion going and not get off the subject. Encourage students to tell stories they have heard but be conscious of time. Decide ahead of time how long you want to spend on each group activity or if you want to do it as a total class. I recommend small groups so that all students get a chance to participate.
- Some students may not be good writers but excellent artists, so consider their areas of success, then they won't be overwhelmed. Be aware that there will probably be some students who are ignorant about sex or condoms.

BIBLIOGRAPHY

AIDS and the Education of our Children, a guide for parents and teachers. January, 1988, United States Department of Education.

AIDS — Information/Education Plan to Prevent and Control AIDS in the United States, March, 1987, U. S. Department of Health and Human Service, Public Health Service.

Hyde, Margaret O. and Elizabeth M. Forsyth, MD, *AIDS: What Does it Mean to You?*, Walker and Co., New York, 1986.

**News and Courier* — Charleston Local Paper

**Scholastic Science World Magazine*, September 4, 1987, Page 19; October 2, 1987, Pages 19-20; October 16, 1987, Pages 21-22; November 6, 1987, Pages 13-15; May 20, 1988, Page 20.

**Teens and AIDS: Playing It Safe*. American Council on Life Insurance and Health Insurance Association of AM, 1987.

**What Young People Should Know About AIDS*, a scriptographic booklet by Channing L. Bete Co., Inc., South Deerfield, MA, 1987.

When Someone You Know Has AIDS, A Practical Guide, L.J. Martelli, Crown Publishers, Inc., New York, 1987.

*Key Sources

THE DEATH PENALTY AND THE FOURTEENTH AMENDMENT: Is There a Violation of Equal Protection?

Mark Crockett

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Crozet, Virginia

INTRODUCTION

The death penalty has been a controversial issue in American society for at least the last twenty years. Various legal issues and questions have been raised by civil libertarians regarding the imposition of the death penalty, and the constitutionality of capital punishment has been addressed by federal courts. Although the Supreme Court has ruled on the constitutional issue, a number of important issues remain unresolved. This lesson is intended to focus on the controversy surrounding capital punishment and to stimulate critical thought on the part of students.

RATIONALE

A recent report by John Goodlad *(A Place Called School)* stated that students usually listen, answer direct questions, take notes and remember facts for tests. They rarely consider the meaning of what they read, discuss their ideas and thoughts, or initiate areas for study. Therefore, students usually rank social studies as one of their least favorite subjects.

Teaching high school social studies is not merely driving the students through a body of content and hoping that the content will create "good" citizens. The content must be used to stimulate thinking about past, present, and future problems. Utilizing a reflective inquiry approach (based on the ideas of John Dewey), teachers can use content material to help students develop their own ideas and philosophies, and ultimately, to solve their own problems. Through the study of controversial issues (such as the death penalty) students may experience the conflict, the cooperation, and the consensus essential to solving controversial issues in a democratic society. It is this experience that becomes so vital to the development of the "good citizen."

AUDIENCE

This lesson is designed to be used at the secondary level (eleventh and twelfth grades) but could be adapted for use with younger students.

TIME TO COMPLETE

Approximately one week (five to eight class periods), although the time frame will differ depending upon the activities/materials used by the individual teacher.

GOALS

As a result of this lesson students will:

- become familiar with the Fourteenth Amendment's equal protection clause, and speculate on the meaning of that clause;
- openly discuss, and share their views on the death penalty, and exchange ideas about the death penalty and its possible relationship to the equal protection clause;
- facilitate respectful dialogue among themselves and encourage cooperative thinking;
- critically think through a study of relevant Supreme Court cases, news articles, and the preparation of a position paper on the death penalty.

MATERIALS

1. Oprah Winfrey, *Executioners*
2. 20/20, *The Death Penalty and the Electric Chair*
3. The U.S. Constitution (Fourteenth Amendment)
4. Hentoff, Nat. "The Wrong Man," from *The Washington Post*, 4-25-87

5. "Horror on the Road," *Washington Post* editorial, 5-18-88
6. Death Penalty Survey
7. "Gridlock on Death Row," *Newsweek*, 5-4-87
8. Braden, Tom. "It Just Works Out That Way," *Los Angeles Times Syndicate*, 1979
9. "Clearing a Path to the Chair," *Time*, 5-4-87
10. "An Eye for an Eye," *Time*, 1-24-83
11. "To Die or Not to Die," *Newsweek*, 10-17-83
12. other assorted news stories available in the local press

PROCEDURES

***Note:** Ideally, students will have opportunities during the year to select areas of study. It is my experience that students frequently choose the death penalty as a topic to investigate (others frequently chosen are abortion, drug legalization, Vietnam, nuclear weaponry and technology).

PROCEDURE, PART ONE

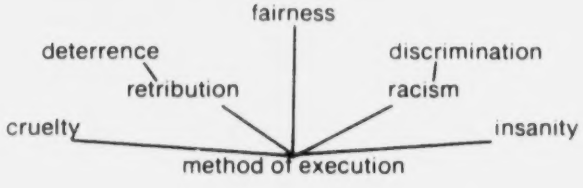
1. **Day One:** Distribute to students a copy of the Fourteenth Amendment, or have them read the Fourteenth Amendment from a text. Focus student attention on the equal protection clause (". . . nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws").
2. Students should be encouraged to discuss what they think this clause means, especially with regard to the death penalty. The teacher might want to call student attention to the eighth amendment for future reference.
3. End the period by summarizing, on the board or orally, student meanings of the equal protection clause as it relates to the subject of capital punishment.

PROCEDURE, PART TWO

1. **Day Two:** Briefly, review the previous day's discussion and outcomes (either directly or by soliciting student reviews). Move the discussion to the notion of capital punishment (the teacher may wish to digress on a brief narrative of the history of capital punishment).
2. Discuss student views on the death penalty:
   Who's in favor of the death penalty? Why?
   Who's opposed to the death penalty? Why?
   Is your position solid, unwavering? Do you have any evidence or data to support your view? Do you know where, or how, to find relevant data?
3. The teacher may wish to question students about the death penalty and place results on the board for discussion. An added question might be, "Would you like to find out what others think about this topic?" Students can then survey others in the school (or out of the school). The survey in school may be undertaken in a scientific (use of a computer-generated random sample) or unscientific (general survey of various grades and classes) manner. Students should be encouraged to listen carefully to others' views about the death penalty and to see if they can determine inconsistencies in reasoning. End the period with a restatement of the positions and justifications provided by students.

PROCEDURE, PART THREE

1. **Day Three:** Collect and summarize survey results. Discuss results. Allow ample time for discussion among students. The teacher needs to become the leader in focusing discussion on the *relevant* issues related to the death penalty.



DEATH PENALTY

2. **Day Four:** If possible, show the Oprah Winfrey program titled "Executioners." If this is not possible, another program (Phil Donahue, commercially available videotapes) dealing with the death penalty should be substituted. The purpose of the videotape is not only to provide a break from the normal routine (and possibly rising tempers), but to provide students with a range of views they have probably overlooked. Distribute WRITING ASSIGNMENT (Handout #1).
3. **Day Five:** Debriefing on the videotape (if used). After discussion and comments by class members, the teacher might raise the issue of fallibility (if by chance a mistake is made, the mistake becomes a permanent one). Students should then be given Nat Hentoff's column "The Wrong Man." After reading the article, the students should be questioned about the possibility of mistakes being made, the intransigence of "the system," and the equal protection promised in the Fourteenth Amendment.
4. **Day Six:** Give students two articles to read in class:

a. Tom Braden's "It Just Works Out That Way"
b. The *Washington Post* editorial of Wednesday 5-18-88, "Horror on the Road" (Kentucky car-church bus crash resulting in the deaths of twenty-seven people).

Class discussion should focus on the questions:

"Who should get the death penalty and for what?"

End the class with two additional questions:

"Who *does* get the death penalty in the U.S.? Why?"

5. **Day Seven:** The focus of the day's lesson is on the relevant Supreme Court cases: *Furman v. Georgia, Gregg v. Georgia,* and *McCleskey v. Georgia.* Students should be given copies of the Court rulings in each of the cases (available in periodicals, newspapers, or Bartholomew's *Leading Cases on the Constitution*). Students should consider the legal issues and questions considered by the Court and look for consistencies and/or inconsistencies within and between the rulings. Give students copies of two articles to read for the next day:
   a. "Gridlock on Death Row," *Newsweek,* 5-4-88.
   b. "Clearing a Path to the Chair," *Time,* 5-4-88.
6. **Day Eight:** Allow students an opportunity to share questions, comments, and concerns about the three court cases (*Furman, Gregg, McCleskey*) on the articles for reading. Divide the class into two groups: those who favor (or tend to favor) the death penalty and those who are opposed (or tend to be opposed) to the death penalty. Allow students to share and clarify views, ask questions of each other (teacher serves as a moderator). Remind students of position paper that is due as part of their evaluation.
7. **Day Nine:** OPTIONAL. Allow students to use the class period to work on their position papers (compare ideas, work with the teacher, etc.) OR the class period might be used for a formal debate between opposing sides (if this is the case, some previous time should be allowed for the sides to prepare research in the library and organize arguments) with, perhaps, a set of local attorneys serving as judges for the debate. If students are working on papers, it is a good idea if the teacher is working on a paper also. If the teacher prepares a position paper to share with students, the following goals will be met:

- the teacher's position paper will aid in the process of exchanging and sharing ideas.
- the position paper prepared by the teacher will help to create or strengthen student-teacher dialogue.
- the critical thinking process is stimulated as students work and think to determine possible inconsistencies/flaws in the teacher's line of reasoning, AND, assuming the teacher has written a well-conceived essay, students are exposed to an example of writing-thinking a level above their own (a model).

EVALUATION

The evaluation for this lesson may be accomplished in several ways:

- through informal observation(s) of student participation in classroom discussion(s) and debate(s).
- through participation in gathering research for the formal classroom debate (OPTIONAL) and/or participation in the debate.
- through the preparation of a position paper on the death penalty which addresses the various issues/questions raised in class (including the student's view on whether or not the death penalty violates the spirit of the equal protection clause). An example of the writing assignment paper to be given students follows. This would be the preferred method of formal evaluation.

TIPS FOR THE TEACHER

Ideally, debriefings will occur periodically during implementation of the lesson. The reviews and restatements of previous learnings serve as debriefings. In addition, the informal discussions and debates serve as debriefing vehicles. The position paper assignment not only allows the teacher to evaluate student thinking/learning/writing, but also serves as a mechanism by which students develop and organize their perceptions on a topic significant to the society in which they live. The very *process* is one that can (and hopefully will) be transferred to the manner in which students analyze and interpret data as they seek to understand the nature of controversy in a democratic society.

Once all position papers have been collected (and if possible, once they've been evaluated) the teacher should moderate a classroom discussion so that students may reflect on their experiences. Some questions central to such a discussion/debriefing include:

- Did any of you change your views on the death penalty? Why?
- What did you learn that you didn't know before?
- How do you think this experience will prove beneficial to you later?
- What did you find hardest about studying this topic? Preparing your paper? Why?
- Can you apply any of what you've learned to your personal lives? If so, how?
- What insights did you gain about the Constitution? About the law? Courts? People?

HANDOUT #1

WRITING ASSIGNMENT

DEATH PENALTY: Pro or Con

You are to take a position in favor (pro) of the death penalty or against (con) it. It doesn't matter which position you take. You will *not* be graded on your opinion. You *will* be evaluated on how well you present and support your argument, and your clarity in doing so.

Your paper should contain the following components. Each part of the paper is worth twenty-five points.

1. **Introduction:** Introduce the question/issue you are writing about. What is your position? Why? Prepare the reader for what follows in your paper.
2. In the second part of the paper you must consider the factors of *racism* and *discrimination* as related to the death penalty. Is the death penalty handed out fairly, or are certain groups more likely to receive sentences than others? Is the spirit of the equal protection clause of the fourteenth amendment damaged in any way?
3. In the third part of your paper confront the questions of *deterrence* and *retribution*. Does the death penalty serve as a deterrent to those who might commit violent crimes? Why? Any evidence? Should society use the death penalty as a method of punishing wrongdoers? Of gaining revenge? If so, why? If not, why not?
4. **Conclusion:** Prepare a summary of your position regarding the death penalty and the major points supporting your position. Your argument(s) should be cohesive and persuasive.

** You may include other factors or points not mentioned above. Be specific. Use evidence/statistics whenever possible. Say what you mean to say!

Additional references to consult:

"An Eye for an Eye," *Time*, Jan. 24, 1983.

"To Die or Not to Die," *Newsweek*, Oct. 17, 1983.

FREEDOM OF RELIGION AND SPEECH: U.S. and Canada

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INTRODUCTION

This lesson compares freedom of religion and speech as outlined in the U.S. Bill of Rights and the Canadian Charter of Rights and Freedoms. The lesson should be taught in small groups so students can determine the similarities and differences between the two documents. When the groups have completed each assignment, the teacher will debrief the activity. The students should have prior knowledge of the First Amendment to the U.S. Constitution and common history of the U.S. and Canada.

This content needs to be taught because of the geographic proximity of the two countries. The curiosity of the students about Canadian rights can be used to the advantage of the teacher when teaching this material. This material is appropriate when students study American history, government or North American geography.

GOALS

As a result of this lesson, students will:

- gain an understanding of the differences in the introductions to the two documents;
- gain an understanding of the differences in the concepts of freedoms of religion and speech/expression in the two documents;
- have a better understanding of the U.S. Bill of Rights by comparing our freedoms with Canada's;
- demonstrate the ability to compare similarities and differences in like documents.

AUDIENCE

This lesson plan is most suited to high school students.

TIME TO COMPLETE

This lesson plan can be completed in two to three class periods.

MATERIALS

1. Copy of Preamble to the U.S. Constitution
2. Copy of Bill of Rights to the U.S. Constitution
3. Copy of Canadian Charter of Rights

PROCEDURE, PART ONE

1. Distribute copies of the Preamble to the U.S. Constitution and the opening statement of the Canadian Charter of Rights and Freedoms, Section 1 of the Canadian Charter. You may want these typed. As the Canadian Charter of Rights and Freedoms does not include a preamble, it will be necessary to explain the purposes of the Preamble and the introductory statement. Do not assume the students know these purposes.

a. Divide class into groups of three to five students.

b. Have students define terms that are necessary for understanding these documents. These terms include: "supremacy of God", "demonstrably justified", "free and democratic society", etc.

c. Have students answer questions using both documents:

(1) What similarities can you find between the introductions to both documents?

(2) What differences can you find between the introductions to both documents?

(3) Why do you think the Canadian Charter mentions the supremacy of God which is not mentioned in the American document?

(4) Why do you think the Canadian Charter uses the term "reasonable limits prescribed by law"? What does this term mean to you?

(5) What do you think the Canadians mean by a "free and democratic society"? Does the U.S. have a "free and democratic society"?

(6) Why do you think the language is so different in the two documents? (Remember, one was written in 1787 and the other in 1982.)

(7) After looking at both documents, do you think the authors of the Canadian Charter were influenced by the American Bill of Rights?

d. After students have answered the above questions within a twenty to twenty-five minute period, bring the class together and debrief this

section by generating the answers to the following questions:

(1) Which document is more precise in its language?
(2) Which document is easier to understand? Why?
(3) What kind of limits can a democratic society set on rights and freedoms? Why can these limits be set?
(4) What is meant by "no rights are absolute"? Why can't a democratic society have absolute rights?

PROCEDURE, PART TWO

Day Two

1. Distribute copies of the American Bill of Rights and the Canadian Charter of Rights and Freedoms. The concentration on Day Two is the First Amendment and Section Two of the Canadian Charter.
   a. Divide the class into groups of three to five students.
   b. List and define the rights given by the First Amendment, based on yesterday's discussion and the reading of these rights. Use the definitions generated when researching each of the situations in numbers 2-8.
      (1) Why does the Canadian Charter not have the two separate parts relating to the freedom of religion?
      (2) In the following situations, would either country provide government funds?

      The government requires a course in computer literacy for all secondary school graduates. The principal of a Greek Orthodox school asserts that this request is unreasonable as the school has neither a qualified teacher nor computers. The principal argues that if the government requires this, they must provide the computers and the teacher.

      (3) In the following situation, how tolerant is each country likely to be?

      People representing a variety of religious groups, such as Sikhs, Hindus, Buddhists, Shintos, Shiite Moslems and Sunii Moslems all want to distribute literature explaining their positions on military aid to Indonesia. They want to do this at the airport. Can they?

      (4) In the following situation, how likely is either country to allow media freedom?

      The country has announced the invention of a new type of bomber which cannot be detected with radar. The television news media want to interview the designer of the bomber. Can they?

      (5) In Canada, there is no prior restraint doctrine as such, the term is "demonstrably justifiable reasonable limit." Using the definitions you develop for each of these terms, how likely is either country to allow the mentioning of the victims and alleged fifteen year old shooters in a rampage?
      (6) In the United States, there can be few restrictions on hate literature. That is because the United States has the principle of "content neutrality." The only limitation in Canada is the "demonstrably justifiable reasonable limit." Based on these terms, in the following situation, is either country likely to restrict computer-generated telephone calls which contain derogatory comments about Arabs? These calls can be traced to a major oil company.
      (7) After reading both the American First Amendment and Section Two of the Canadian Charter, how do you think each country would handle the following situation?

      A school in one of the communities starts each day with a reading from the Bible, alternating between the New and Old Testaments. One of the parents takes the school to court because she claims this is unfair, as there is no prayer from the Koran which discriminates against her children.

      (8) In Canada, the standard for determining what is "obscenity" is national; in the United States, it is within a community. If a movie were introduced which contained violence and sexual degradation involving sixteen year olds, would either country allow this movie to be shown to a general audience because the producers of the movie claim that to deny the right to show the movie would be limiting "freedom of expression"?
      (9) If another nation, such as Australia, had the same history of protecting individual rights and freedoms in a free and democratic society, do you think you would find a document such as the Bill of Rights or Canadian Charter listing those rights? Why or why not?
   d. Give the students approximately thirty to forty minutes to complete the above exercise. Have each group report answers on a prepared chart. Compare group answers.
   e. A homework assignment might be to have the

students develop a definition of freedom of religion from the American and Canadian perspective. This will give the teacher an individually written explanation from each student.

PROCEDURE, PART THREE

Day Three

1. These activities might serve as a means of evaluation or as a follow-up to the lesson. This should be up to the individual teacher.
2. Have the students write an essay explaining the similarities and differences they have found in the First Amendment and Section Two of the Canadian Charter.
3. Have the students role play a situation involving a case before an American and a Canadian court. The situation could be a question of whether or not a commencement exercise could begin with a prayer designating a particular religion. How would the respective courts rule?
4. Divide the students into groups of five to start a colony on a space station. They want this colony to have the same basic freedoms they presently enjoy on earth. Have the students write these basic freedoms, using both documents as a source.
5. Day Two activities could be repeated using different rights and examples.

Debriefing: The debriefing process is built into the procedure for each of the first two days.

EVALUATION

The evaluation of the lesson is Day Three. How much the students have learned can be readily ascertained by the concluding activities.

TIPS FOR THE TEACHER

- Make sure the students have an understanding of basic vocabulary.
- Mention that the Canadian Charter of Rights and Freedoms was written after a thorough study of the American Constitution and Bill of Rights, as well as a study of Supreme Court decisions interpreting these rights.
- This lesson plan can be expanded or shortened.
- This lesson plan can be used as a model for study into other areas.

BIBLIOGRAPHY

McKercher, William R., ed., *The U.S. Bill of Rights and the Canadian Charter of Rights and Freedoms*. Toronto, Ontario: Ontario Economic Council, 1983.

Lockwood, Bert B., Jr., ed., *Human Rights Quarterly*. Cincinnati, Ohio: The Johns Hopkins University Press, August, 1983.

Sedler, Robert A., *The Constitutional Protection of Freedom of Religion, Expression, and Association in Canada: A Comparative Analysis*. Cleveland, Ohio: Case Western Law Review, publishing date in future.

Canadian Charter of Rights and Freedoms.

U.S. Constitution and Bill of Rights.

Stein v. Plainwell Community Schools, 6th Circuit Court of Appeals, July, 1987.

WORLD COURT IN SESSION

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INTRODUCTION

The lesson consists of a mock trial proceeding held by the International Court of Justice at The Hague on selected issues of present-day worldwide concern. Students will participate as judges representing the International Court of Justice, prosecuting and defense attorneys representing the various countries involved with the legal issues and various court officers and reporters.

RATIONALE

This court trial conducted in a classroom is an exercise in which students can appreciate the importance of a functioning "World Court" which decides cases that will ultimately make the future of our world-community more secure and a better place to inhabit.

This lesson can be implemented in a Comparative World Cultures Class, World History, Contemporary Social Problems Curriculum and/or a Model United Nations Class.

GOALS

As a result of this lesson, students will:

- become more aware of the International Court of Justice that exists and functions, and also of the need for such a Court to settle international disputes;
- analyze and discuss issues that need the Court's attention and ultimately may be decided in a "World Court";
- become aware of the need for nations of the world to rationally and cooperatively settle international disputes, rather than by aggression or by nationalistic law;
- gain an understanding of the difficulty international organizations have in enforcing decisions, particularly the decisions of the World Court after cases have been tried.

AUDIENCE

This lesson is appropriate for high school students; juniors, seniors, Honors and Advanced Placement classes, Gifted and Talented Programs.

TIME TO COMPLETE

The time necessary to complete this lesson depends upon how many cases are chosen to be argued in front of the Court. A presentation of three cases, along with an explanation introducing the World Court, its creation and prescribed function, will take three to four weeks.

MATERIALS

1. Available classroom
2. One large rectangular table at which the five Court Judges will sit
3. Prosecution table and chairs
4. Defense table and chairs
5. Podium
6. Microphones (optional)
7. Reporter's desk (optional person)
8. Desks and/or chairs for remaining students or audience
9. Miscellaneous: Display materials, easel, chalk, etc.
10. Access to public or school library, law library, university library

PROCEDURE

1. Select five students to act as International Court Judges
2. Select eight students to participate in each case. Four students will serve as prosecuting attorneys for the nations involved and four will act as the defense attorneys on the other side of the case.
3. Select one bailiff who will call the Court to order every day, explain the order of the cases to be heard and the manner in which the attorneys will present their cases. Proper presentation of the cases:

Memorial

The first Oral Pleading by the Prosecution. Attorneys begin by saying, "The Court is asked to Judge and Declare that . . ."

a. relevant facts
b. statement of law
c. submissions
d. any relevant documents

Counter-Memorial

The first Oral Pleading by the Defense. Attorneys begin by saying, "The Court is asked to Judge and Declare that . . ."

a. admission or denial of acts stated in Memorial
b. additional facts
c. observations of the statement of law in the Memorial
d. answer to those laws
e. submissions
f. any relevant documents

Second Round Reply

Plaintiff

Second Round Rejoinder

Defense

Submissions

What each Party wants from the Court. Begin the statement with, "Whereas . . ."

4. One reporter can be chosen to keep track of all information presented, briefs filed with the Court, and the reporting of the class activity to school newspaper if desirable.
5. Distribute the Instructions to the Judges:
   a. One of the Judges should be designated as the "President" of the Court. It is his/her responsibility to present information to the class at the Opening Session of the Court about the creation of this International Court of Justice, its function and goals. This person will not have any further obligation to the Court other than to listen to the cases and cast a vote only in case of a tie.
   b. The four remaining judges must write and present to the Court their decision and reasons why such a decision was made by each one of the judges. This will be done after a recess has been called by the judges and the necessary deliberation for the four judges to make a decision. After each decision has been explained by each judge, the Court can begin the next case.
   c. At the conclusion of all the cases, each of the four judges must research and present to the audience an actual case that the International Court of Justice at the Hague has decided sometime in the last forty years. Some suggested cases might include:
      (1) *Corfu Channel Case* 1949
      (2) *United Kingdom v. Norway* 1951
      (3) *Colombia v. Peru* 1950
      (4) *Right of Passage Case* 1957
      (5) *Guardianship of Infants* 1958
      (6) *Iceland v. The United Kingdom 1972*
      (7) *Australia and New Zealand v. France* 1973
6. Distribute the Instructions to the Attorneys:
   a. Proper presentation of the cases (see instructions given to the bailiff)
   b. Each group of eight attorneys will be given a topic to research and prepare for their Oral Memorial, Counter-Memorial, Second Round Reply or Rejoinder and Submissions. Four attorneys will represent the prosecution and four will represent the defense.
   c. Possible Cases to be argued by each group of eight attorneys:

"TERRORISM"

(1) "Munich Olympics" - 1972
Black September v. Israel
(2) "The Entebbe Airport Raid" - 1976
Israel v. PLO
(3) "The Achille Lauro" - 1985
U.S. v. PLO
(4) "KAL Bombing" - 1987
South Korea v. Kim Hyon Kui

"WORLD POLLUTION"

(1) "The Chernobyl Disaster" - 1986
Scandinavia v. U.S.S.R.
(2) "Destruction of the 'O' Zone" - 1986
U.S. v. Canada
(3) "Whaling"
U.S. and Canada v. Japan and U.S.S.R.
(4) "Garbage in Space"
World Health Organization v. U.S. and U.S.S.R.

"HUMAN RIGHTS"

(1) "Population Control" - 1988
U.S. v. Mexico
(2) *Jews and Human Rights Commission v. U.S.S.R.*
(3) "Rights of Refugees"
Palestinians v. Israel
(4) "Violations of Warfare on the Human Race"
Green Peace Movement and the Third World v. U S. and U.S.S.R.

7. The next several days should be spent in the library where students can work together gathering information and preparing to present their cases. Outside research must also be done by the students to properly prepare for their cases.
8. Court Sessions Begin:
   a. The Court Bailiff calls the Court to order: "All Rise"
   b. The five judges come forward and take their places in front of the Court at the rectangular table.
   c. Explanation by the President about the International Court of Justice is given.
   d. Case #1 (designated by the President) is presented.

Group One: Government. The government group represents the governor of the State of Hawaii and the mayor of the County of Hawaii.

The governor of Hawaii is committed to the idea of a spaceport and sees it as helping Hawaii move into the 21st century. In his last State of The State speech he set forth the necessary planning for development of a satellite launching facility on the Big Island of Hawaii which can take advantage of Hawaii's unique geographical location. Hawaii is located 18 and 23 degrees latitude and its water surroundings position it to accommodate both polar and equatorial launches. This would make it the only launch range on U.S. territory that could provide such a dual launching capability.

The Mayor of the County of Hawaii is also in support of a spaceport. The Mayor looks to the spaceport as an opportunity to reverse the trend of a depressed economy in Ka'u and as something which will hopefully provide a new population center for the county and the state. The business generated would increase the tax base enabling government to provide better services for the community.

The government sees the spaceport as an excellent way to diversify the economy of Hawaii and provide a new direction toward the future. Presently, Hawaii relies heavily on tourism. Historically, Hawaii has been a communications center for military and commercial markets and the government believes that Hawaii should expand that role. The East-West Center at the University of Hawaii in Honolulu, the Pacific Business Center Program, and the Pacific International Center for High Technology can all contribute to the attractiveness of Hawaii for East-West Interchange. The spaceport would be a catalyst for attracting high technology employers. Hawaii can provide a skilled labor force and local personnel who are trainable.

Hawaii's ongoing space related activities include international participation in astronomical and telescope factilities on Mauna Kea (Hawaii) and Haleakala (Maui). The NASA tracking activity at Koke'e (Kuai) has tracked manned and unmanned space vehicles.

Group Two: Business Interests. Group two represents various business interests that support the spaceport including several major corporations, banking interests, and the telephone and electrical companies.

The business community is in support of a spaceport and sees an urgency in gaining the support of the citizens of Hawaii. Many other nations as well as other states such as California and Florida have shown an interest in building a spaceport. The business community believes that unless Hawaii moves quickly, it may lose this opportunity. Although the Japanese are considering building an independent island city-state in the Pacific on which there would be a spaceport, there is an opportunity to tap the Japanese market immediately.

Support for this unique opportunity has been further enhanced by a generous offer from one of the major corporations in Hawaii to sell five hundred acres of Ka'u coastal land for a "nominal fee" to any company interested in building a small space launch facility. The flat coastal lands of Ka'u make the area an excellent site. The launch vehicles would be smaller than the windmills presently operating in Ka'u. This launch facility would be a small facility, not a large one such as the facility used by NASA. This facility would be used for unmanned launchings by private businesses.

The business community believes that a few people should not be allowed to obstruct an excellent economic opportunity to employ from one hundred to six hundred people and bring new revenues to the state. The jobs offered would be challenging and exciting. Unemployment in Ka'u is currently 11.7%.

The need for a commercial launch facility will grow over the next few years, and Hawaii needs to jump into the market and move quickly. This project will only improve the life of the residents of Ka'u. Overall it would not hurt the environment and would keep commercial satellite launches with the U.S. The spaceport is seen by the business community as a window of opportunity for the future. Related business interest will develop in the fields of astronomy and communication. Visitor industry space developments could include a space camp and tours of the facility.

Group Three: Environmentalists.

Environmentalists are concerned with the impact of a spaceport on vegetation, wildlife, and marine life. Potential impact on subtidal ecology, lagoons, and offshore marine life due to the release of liquid propellants, is most disturbing. One of the marine species on the endangered list is the Humpback whale. There are estimated to be only 1500 to 2000 remaining Humpbacks in the entire North Pacific. These animals come to the Hawaiian Islands to breed. There is a resident pod of whales in the South Point area of the Big Island. Other types of environmental impacts include noise, vessel traffic, water turbidity and degradation of the habitat. Whales are particularly sensitive to noise. The Humpback whale is the Marine Mammal of the state. The Hawksbill and Green Sea turtle also have nesting beaches in isolated and remote spots on the island of Hawaii, particularly at black sand beaches. Black sand beaches are found on the Big Island and the recent volcanic activity has created more of these beaches.

The state also has many birds on the endangered species list. Vegetation in many places, but particularly in rare bird habitats, would be greatly affected by nighttime lighting, floodlights, increased beach activity and localized and temporary acid rain caused by the launchings. In regard to excess lighting, the astronomers at Mauna Kea are worried about the light pollution and the effect it would have on the observatories located there.

Environmentalists also want to consider the geological instability of the area. Tremors and earthquakes frequently occur due to volcanic activity. This activity includes lava flows, gaseous emissions and possible tsunamis. Environmentally sensitive materials such as liquid oxygen, liquid hydrogen, kerosene and hydrazine would have to be stored with great care in accident-proof and fault-tolerant facilities.

Group Four: Native Hawaiians.

Native Hawaiians and some residents of Ka'u where the spaceport would be built fear that their rural lifestyle would be disrupted. Some residents also fear that the spaceport would make Ka'u a military target.

A more important concern of the Native Hawaiians, however, is the use and dispersal of the Hawaiian Home Lands. The Hawaiian Home Lands Commission Act was passed by the U.S. Congress in 1922. The Native Hawaiian population in 1776, when Captain Cook discovered Hawaii, was about 150,000. By 1918-1919 the population had dropped to 22,000 due to disease. By the time of the Hawaiian Home Lands Commission Act many Hawaiians were landless due to the fact that they did not practice the concept of private ownership. This act of Congress was designed to provide land to Native Hawaiians for homesteading. Today, the State of Hawaii has jurisdiction of ownership for the Hawaiian Home Lands. As of March 1986, about 17% of the Home Lands acreage had been homesteaded. Since some of the lands are not favorable to homesteading, the Department of Hawaiian Home Lands leases some of the lands for income production and collects rents on the property; however, many Hawaiians object to the leasing of these lands to the state or to private businesses.

Concerns about space related development activities in proximity to Hawaiian Home Lands focuses on the leasing or renting of Home Lands to non-Native Hawaiians. The Department administers 11,000 acres extending north and northeast from Southpoint on the Big Island. Native Hawaiians claim that 1,800 people on the Big Island have been waiting for homestead lots. They feel that the Commission is stalling settlement of homelands in Ka'u. They fear that the buffer zone around the launch site may include the leasing of Home Lands to non-Native Hawaiians. They also fear that the site would adversely affect ranching and pole fishing in nearby settlements.

e. Attorneys present their written Memorial, Counter-Memorial, Second Round Reply, Rejoinder, and Submissions to the Judges.
f. Court is adjourned until the judges reach a decision.
g. Verbal decisions are given by each of the four individual judges and reasoning for such a decision.
h. The five judges must come to a consensus about punishment, restitution, or collection of losses by the winner of the case. This consensus must be realistic and enforceable. The President of the Court will read this request to make "right" after each judge has given his/her decision.

9. Case #2 will begin, following the same procedure explained above.
10. Case #3, etc.
11. After each case has been presented, decisions by judges have been given, and viable settlements clearly stated by the President:
    a. Each of the four judges will present an actual Court Case which was argued in front of the International Court of Justice in the past forty years.
        (1) Judges should present what problems were evident in each case.
        (2) Judges should also present the decisions made by the Court and the results of such a decision.
        (3) The five judges will together summarize how successful this World Court has been since its creation in 1945.
            (a) Reasons why the Court has been successful.
            (b) Reasons why the Court has been unsuccessful.

DEBRIEFING QUESTIONS

1. What is the importance of an International Court of Justice?
2. Why is this Court, formed by the United Nations, failing to provide global protection for the World and its people?
3. What could you suggest to enable this Court to function better with power and authority?
4. Why don't nations coexist effectively and peacefully through a system of law which would enable them to deal with international conflict and national differences?
5. Why is an International Court of Justice needed to deal with differences and problems between nations rather than state and national courts from various nations alone?
6. Can nations that differ over health, economic, boundary issues settle disputes independently or is an International Court of Justice necessary for the complex, interrelated world we all live in together today?
7. What can be done to increase the power and authority of this International Court of Justice?
8. Do the students in the class better understand the International Court of Justice and the current issues that need to be solved by this Court in our world today?
9. Have all parties involved realized the absolute necessity to the survival of man and this planet to expand their priorities beyond their own national interests to a greater body where international issues can be disputed rationally?

EVALUATION

- Each student in the audience will carefully listen to each case and take detailed notes.
- At the close of every case, students must write a paragraph explaining how they would decide the case if they were acting as a judge and their reasoning for such a decision. They need to also include the action or changes they would impose on the losers to compensate those who prevailed.
- Students can compare their own decisions and reasoning with the Judges when the Judges' decisions and rationale are explained.

TIPS FOR THE TEACHER

- General knowledge of court proceedings is helpful.
- Have library books and other resources, periodicals, law books, etc. on reserve in the library for students' access.
- A guest attorney or judge could visit the class prior to the experience to explain court procedure and techniques used by lawyers.
- A field trip to the local courts prior to the experience for a real look at the courts would spark student enthusiasm.
- Select the best case presented in several classes and conduct additional competition for the Social Studies Department or "interested others" in the school. If several classes are doing the same cases, select the best case from each class and allow students to present their case against students in another class.
- If there are international companies in your area or people in your community who deal in world trade, they would make excellent resource people to speak to the class about business or legal issues that frequently arise and are difficult to resolve, thus the need for a World Court to

resolve far-reaching issues. These people could explain to students that cultures see and evaluate issues *very* differently. A respected World Court could solve these disputes with greater rationality.

BIBLIOGRAPHY

Encyclopedia Britannica, Volume 4, 1986.

Chase, Eugene P., *The U.N. in Action*, McGraw-Hill Book Co., Inc., New York, 1950.

Coyle, David Cushman, *The U.S. And How It Works*, Columbia University Press, New York, 1971.

Higgins, Rosalyn, *The Development of International Law Through The Political Origins Of The United Nations*, Oxford University Press, London, 1963.

Livingstone, Neil C., *The War Against Terrorism*, D. C. Heath Co., Lexington, Mass., 1986.

Syatauw, J. J. G., *Decisions Of The International Court of Justice*, A. W. Sythoff Leyden, Netherlands, 1969.

The Guide To American Law, 1983.

Treaties and Alliances Of The World, 1968.

The International Court Booklet for the U.S.

Newsweek, October 21, 1985.

EQUALITY AND RELIGION

Rick Hart

Interlake High School
Bellevue, Washington

INTRODUCTION

The purpose of this lesson is to promote an understanding of "equality" as it applies to religion. Historically, the nation has not always been successful in reconciling the Constitutional base of "freedom of religion and equality" with the institutions which have been created that tend to deny the exercise of the freedom.

GOALS

As a result of this lesson, students will:

- clarify their own attitudes on religion and equality;
- gain a knowledge and practical application of the First, Fourth, and Fourteenth Amendments;
- engage in critical thinking and writing about the Constitution.

AUDIENCE

This lesson is appropriate for students in grades eleven or twelve.

TIME TO COMPLETE

Approximately one hundred thirty-five minutes of class time.

MATERIALS

1. Classroom set of Constitutional Amendments.
2. Classroom set of affidavits.
3. Copy of local school board policy.

PROCEDURE

1. Teacher Preparation
   a. Review Amendments
   b. Make necessary copies of affidavit
   c. Identify values that will be clarified.
   d. Decide if students will work alone or in small groups doing a School Board simulation.
2. Students working alone
   a. Distribute copies of Amendments.
   b. Ask students to read and react to Amendments One, Four and Fourteen.
   c. The student reaction should focus on interpreting what they believe each Amendment guarantees as a right.
   d. Teacher should conduct a discussion focusing on student interpretations of the Amendments.
   e. Distribute the affidavit for students to read. Without any interpretation by the teacher ask students to write reactions. After a few minutes ask students to propose solutions to the problem.
   f. Teacher leads discussion of affidavit implications.
   g. Ask students to write a letter to the parents explaining how they would individually respond to this example of discrimination.
   h. Collect papers.
3. Students working in groups — Follow the same procedure as for students working alone. Substitute small group discussion for written work. Have the group write a final position on the issue.
4. Student School Board Simulation
   a. Assign the following roles:
      (1) Five school board members
      (2) One principal, one Superintendent
      (3) Two people as parents in affidavit
      (4) One attorney for board, one attorney for parents
      (5) The rest of class may be assigned various community roles
      (6) Two students as media reporters.
   b. Follow all of the procedures of students working alone or in groups.
   c. Conduct a school board hearing (students prepare ahead of time):
      (1) Chairperson of board asks for opening statements from each attorney
      (2) A statement from the principal or superintendent is heard
      (3) Parents are asked to respond
      (4) Comments are solicited from the audience
      (5) Board must propose a policy change to protect individual students from such abuses
      (6) After completion of the Board process the reporter will be asked to submit a written

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will report

d. All students write a reaction paper to the process and decisions.

DEBRIEFING

Teacher will share the policy statements from one school district that has formed a policy.

Questions for students:

Does the Constitution protect religious diversity?

What values affect our expectations of public institutions?

How do our religious biases affect our relations to others?

Besides religion what are other ways the protections are applied in Amendments One, Four and Fourteen?

EVALUATION

Although the teacher may select a variety of ways to evaluate the lesson, it is recommended that a reaction paper be used. If your own community has some similar issues, it would be useful to continue to incorporate these into the final reaction paper. If the simulation option is used, it may be sufficient to simply use the simulation and evaluate student participation. One other idea is to use a continuum on a pre and post level. The students might be asked to respond to why they did or did not change their position on the continuum.

A possible alternative would be for the students to write a letter to the plaintiffs to explain why the attitudes exist in the way they do.

Affidavit of Claire P. Mayer
(excerpted and condensed)

STATE OF WASHINGTON)
)
COUNTY OF WHATCOM)

Submitted to the State Superintendent of Public Instruction, State of Washington

Claire P. Mayer, being first duly sworn on oath, deposes and says:

1. I have been a resident of Bellingham since 1953.

2. When my daughter Rachel was in first grade she was given Christian indoctrination in the classroom at Christmas time. She was returning home from school each day, declaring her love for "Baby Jesus." Shortly after we objected to this indoctrination at school, the teacher pointed Rachel out in the classroom as worshipping a "different" god and as being Jewish. The six-year old child was greatly mortified and distressed as having been singled out, in front of her peers, as one who was "different" and as one who rejected the god accepted by the teacher and the majority of her peers.

3. In the third grade Rachel was expelled from the chorus when she refused to sing Christmas songs. The chorus was conducted during school hours as part of the school program. Rachel was very upset about this and about the considerable talk about the incident which took place among her friends and classmates at school.

4. When we told the school board president of some of Rachel's experiences at school, and of our objections to the Christmas programs and other religious practices at school, she stated that children like ours do not fit into the public school system and belong in private schools because the public schools must accommodate the majority and cannot be expected to provide for the few who are different.

5. As a result of my protests Rachel and her sister have been harassed by neighborhood children. On one occasion Rachel was beaten on her way home from school because she was notorious as being Jewish and as having parents who objected to the Christmas programs at school. On another occasion, a group of neighborhood children threw rocks at our house, while the parents of the ring leader were at home, directly across the street from our house, and in full knowledge of what was happening. They did nothing to intercede. I know they were at home because I went across the street to speak to them; they refused to discuss the matter and ordered me off of their premises.

6. The ongoing conflict between the school and the home over religious practices and programs in the school has undermined our children's confidence and respect for both the school and home. Neither of our children has any patience or regard for philosophical or value concepts concerning freedom of religion, freedom of conscience or the separation of church and state. Both children have expressed the view that they would willingly worship Satan, if that is what was being done at school, rather than be held up to ridicule and suspicion for being "different" by their school peers. They have both expressed the view that this family should either practice according to our conscience only *in secret*, or change our faith so that our practices and beliefs are not in conflict with that of the majority with whom they go to school. The practice of the school in making the religion of the home an issue leaves us parents the choice of sacrificing our children's welfare and regard for the sake of our principles and conscience or sacrificing our principles and conscience for the sake of our children's welfare and regard.

s/Claire P. Mayer

June 25, 1983

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HANDOUT #1

BELLEVUE SCHOOLS Policy No. 3225

Date of Board Adoption: 4 December 1979

RELIGION

POLICY

The purpose of this policy is to provide direction as to the place of religion in the curriculum and activities of the District and to insure that the District and its staff do not infringe on the rights of its students in their free exercise of religion.

1.0 Factual and objective teaching about religion, and the impact of religion, and religious-based ideas and ideals, may be included in classroom instruction in relation to the District's educational goals and student learning objectives. Such studies shall not:

1.1 Take the form of religious instruction, worship, exercise or persuasion; or
1.2 Attack or promulgate religion, or the absence of religion, or any particular belief system; or
1.3 Question the religious belief, or absence of religious belief of any student; or
1.4 Require a student to declare a religious preference; or
1.5 Result in classroom displays or decorations which promote religion; or
1.6 Equate religion and morality by suggesting that religious convictions or sanctions are the only basis of moral principles and behavior.

2.0 Special music and drama programs performed by students before audiences shall be based upon the objective study of that particular subject or otherwise be an integral part of the instructional program. Such programs may include elements or symbols of a religious origin and/or significance, but shall not have an undue emphasis or singular stress which gives the appearance of promoting any religion or celebrating any religiously-based holiday.

3.0 Gift exchanges in conjunction with religious holidays are prohibited as part of a school activity.

4.0 The rights of students to wear religious symbols, in a manner which is not materially and substantially disruptive to the educational process, shall not be infringed upon.

5.0 Religious services may not be held on school facilities during school hours, or in connection with any school-sponsored or school-related activity.

6.0 The right of parents to determine when their children should be absent from school because of religious observances shall not be limited by school authorities.

Students shall not be penalized or deprived of make-up opportunities for such absences, or subjected to pressure to choose between school attendance and religious observance.

When scheduling important school activities and testing, the district and individual schools shall consider religious holidays which parents in the community consider significant.

7.0 The right of parents to determine when their children may decline to participate in school activities which are a regular part of the curriculum but which are offensive to their religious beliefs shall not be limited by school authorities. Students who as a consequence choose not to participate shall not be penalized or subjected to pressure to choose between participation in such activities and their religious beliefs.

8.0 Religious groups may rent and utilize school facilities under conditions prescribed by Board policy. Activities of such groups should be clearly separated from school-sponsored activities so that the school district does not support, or appear to support, the practice of religion.

9.0 Interested students and their families may plan and organize baccalaureate exercises which are religious in nature, subject to the following conditions:

9.1 No school district funds may be used for baccalaureate;
9.2 Groups planning religious baccalaureates may rent and utilize school facilities under conditions prescribed by Board policy;
9.3 Meetings for the purpose of planning or preparation for baccalaureate may not involve school staff or students during regular school hours. Private conversations are not similarly restricted;
9.4 Student/staff participation in baccalaureate shall be voluntary;
9.5 Information regarding the baccalaureate may be disseminated on bulletin boards available for nonschool public announcements.

Nothing in this policy shall sanction actions by students or the district or member of its staff which are contrary to local, state, or federal regulations, statutes,

THE FINAL TEST OF PRIVACY: The Living Will

Jennie Shaffer

Keyser High School
Keyser, West Virginia

INTRODUCTION

The lesson is a study of the right to privacy and the relevance of the living will. Students will analyze federal and state case law and legislation to establish a legal definition of *death*, study poetry for a literary definition, and discuss the living will to determine an ethical and religious definition. Students should have read *Griswold v. Connecticut* and *Farrell v. New Jersey* for preparation for the discussion. Dilemmas will be presented for the student to analyze personal feelings; information from teacher, speakers, film and other resources will help the students clarify their attitudes respecting privacy and the living will.

RATIONALE

The lesson on the living will will allow each student to examine a current social and moral dilemma. With current medical technology, an individual can face an extended, lingering death absent the ability to think rationally. The claim to individual privacy of the Fifth Amendment as applied to the living will is currently an issue in the courts and will continue to be until states enact legislation for living wills and families and physicians decide to enforce the will. Therefore, students need an understanding of the legal, religious and personal interpretations of death and the constitutional basis for a person to determine the conditions of a natural death.

GOALS

As a result of this lesson students will:

- examine various definitions of death — legal, religious, literary and personal and economic;
- critique selected federal and state case law defining privacy;
- analyze the language in living wills enacted by state legislatures;
- examine judicial decisions which have defined one's right to privacy to determine circumstances surrounding his/her death;
- study enforcement of living wills as one of the social, moral, and political dilemmas challenging society today.

AUDIENCE

This lesson is appropriate for mature secondary students.

TIME TO COMPLETE

Approximately three to five days.

MATERIALS

1. The *Griswold* and *Farrell* cases (case cites can be found in the Table of Cases)
2. Selected poems discussing death
3. Quotes and hypothetical situations for discussion
4. Any additional materials in a suggested reference list.

PROCEDURE

Introduction

1. King or serf, Brahmin or outcast, American or Japanese — different in life but the same in death — the common denominator of homo sapiens. Death is the leveling device for all humans. Death is the denouncement of life. Social class nor status, privilege nor power can save any person from the reality of death. Many postpone death, gain a reprieve but ultimately death conquers all; it is the destiny of every living thing in our world. For some the "end" is quiet and unassuming; for others, the "end" comes in war or a rage of passion; for some, at their own hands; and for others, a painful illness overcomes them. Historically, death has been surrounded by myth and mystery. In the Twelfth Century, medical men debated the idea of "letting a patient go." That debate continues today; however, Twentieth Century medical practice allows the physician to defer death and "keep the patient alive" and still observe the Hippocratic Oath. Yet this raises the

questions of how much say a person has over his/her death and how we guarantee that the person's voice is heard. Before responding to this question, let us first examine how our society perceives death. Literature and laws offer two avenues of insight into death.

2. Read and discuss the following poems: "Because I Could Not Stop For Death" and No. 1695 by Emily Dickinson, "Richard Cory" by E. A. Robinson, and "Elegy for Jane" by Theodore Roethke. Emphasize literary interpretations of death, symbols for death and historical changes in attitudes toward death. As is evident by the authors' works, death is the ultimate personal experience; yet, under our legal system it often is taken out of the hands of the dying.
3. After reviewing the poets' ideas, let us examine death from a legal perspective.
   a. How does your state define death ("brain dead" or heart dead, etc.)?
   b. How does the law perceive people in a coma or continuous life support?
   c. Define appropriate legal terms: guardian, legally incompetent, informed consent, life support system, exclusive pain, next of kin, balancing test, "best interests," quality of life, and self-determination.
   d. How does the law and the doctors' use of medical technology clash with the poets' vision of death and the notions of death with dignity and the quality of life?
   e. Given the weight of law and medicine working against them, how does the dying person and the family preserve the right to make decisions regarding death — through living wills and the right to privacy?
4. Before examining living wills or the right to privacy as it applies to death, have each student write a definition of death to use as the basis for discussion of the issues. Compare/contrast the students' definitions to the legal, religious and medical definitions.
5. Analyze the living will written by the Euthanasia Society.
6. Divide the classes into groups and assign a court case to each group. Students are to identify constitutional issues in these decisions. Decisions can be obtained at the law library of any state university or the law library at the local court house.
   a. *Strachan v. John F. Kennedy Memorial Hospital* (209NJSupra300).
   b. *John F. Kennedy Memorial Hospital v. Blodworth* (452S2d921) 1984.
   c. *In re Quinlan* (70NJ10) 355A.2d647) 1976.
   d. *In re Conroy* (98NJ321) 486A.2d1209) 1985.
   e. *In re Peter* (108NJ365) (529A.2d419) 1987.
   f. *In re Jobes* (108NJ394) (529A.2d434) 1987.
   g. *Satz v. Perlmutter* (362So.2d160) (379So.2d-259) 1980.
   h. *In re LHR* (253Ga439) (321SE2d716) 1984.
   i. *Severns v. Wilmington Medical Center* (421A.-2d1334) Delaware 1980.
   j. *Leach v. Akron General Medical Center* (426N.E.2d809) 1980.

EVALUATION

- Analyze court cases
- Have students do essays
- Have students define terms

TIPS FOR THE TEACHER

1. Discuss these quotes:
   "Well, it's better than being in Philadelphia." W.C. Fields.
   "Strike the tent." Robert E. Lee.
   "This is the damnedest thing that's ever happened to me." Sam Rayburn.
   "It is not death that man should fear, but he should fear never beginning to live." Marcus Aurelius.
   "All men are condemned to death. It is only the date of execution that is uncertain." Victor Hugo.
   "To sacrifice human dignity at the time of death or to make the process of dying a burden upon the living is not the highest tradition of medicine nor is it justified in the humanist tradition." W. N. Hubbard.

- Review state legislation dealing with living wills.
- Invite speakers to the class — professor of death and dying courses, minister/priest/rabbi, psychologist, doctor, funeral director, lawyer. Have students generate a list of questions for the speaker prior to his/her speech.

Use these "What if ..." situations for discussions:

- What if you had to choose between a child and an adult to receive a major organ transplant?
- What if you had one million dollars to divide for medical purposes; what types of priorities for use would you devise?
- What if you needed a major organ transplant; how would you raise the money for the payment?
- What if you were a legislator and had to vote on a bill which prohibited the use of state funds for organ transplants?
- What if your parents asked you to write a living will?
- What if you were on a jury to decide to enforce a living will; how would you vote?
- What if the President were ill and had a living will;

should it be honored?

- What if you were next of kin or a guardian entrusted with a living will, would you enforce it?
- What if you were a lawyer of a client seeking a court order to enforce a living will, how would you prepare the case?
- What if a person has AIDS and has written a will, but there is new medicine about to be on the market, what would you do?

DEBRIEFING

1. Brainstorm main ideas of the lesson.
2. Have students write thesis statements for five of the ideas.
3. Each student will select one of the thesis statements and develop it into an essay of five to ten paragraphs. The essay must include the following:
   a. use of living wills
   b. enforcement of the living will
   c. legal definition of privacy and the constitutional support for the definition.

BIBLIOGRAPHY

Capron. "Borrowed Lessons: The Role of Ethical Distinctions in Framing Law on Life Sustaining Treatment," *Arizona State Legal Journal*, 1984.

Farrell v. New Jersey (529A.2d404) 1987.

Handler, Alan B. "Social Dilemmas, Judicial Resolutions," *Rutgers Law Review*, Vol. 40, 1987.

Kubler-Ross, Elizabeth. *On Death and Dying*, Philadelphia, McMillan Co., 1979.

Merritt. "Equality for the Elderly Incompetent: A Proposal for a Dignified Death," *Stanford Law Review*, Vol. 39, 1987.

Ross V. Hilltop v. Colorado Rehabilitation (676FedSuppl528) 1987.

"TO WAR, OR NOT?"

Edie Wingate

Sahvaro High School
Tucson, Arizona

INTRODUCTION

This is a simulation accompanied by lessons related to U.S. involvement in international conflict from World War II to the present. The students will act as "advisors" to the President and/or Congress and decide whether to "war or not", using a Constitutional basis for their decision. Students should have some background knowledge of the U.S. Constitution and conflicts that have occurred in past U.S. history.

RATIONALE

This lesson involves the students analyzing the Constitution and other documents to understand the concept of Separation of Powers as it relates to international conflict. Students should be able to better understand the decision-making necessary to deal with foreign nations and the role of the public in accepting choices made by the President and Congress. This lesson may be used in American History or in American Government classes.

GOALS

As a result of this lesson, students will:

- learn the powers of the Congress and the President in dealing with international affairs;
- understand the concepts of Separation of Powers and Checks and Balances in the U.S. Constitution;
- understand the causes of U.S. involvement in international conflicts since World War II, as well as public response to them;
- appreciate the difficulty of decision making when dealing with foreign conflicts.

AUDIENCE

This lesson is appropriate for students in grades seven through twelve.

TIME TO COMPLETE

Flexible, depending upon how much time is spent on follow-up lessons on the conflicts involved (W.W.II, Korean Conflict, Dominican Republic, 1965, Vietnam Conflict, Cuban Missile Crisis). Minimum: five to ten days.

MATERIALS

1. Scenarios (five sets, one set for each of five groups of students). Collect back from each class.
2. Response Sheets for each group of students (five sheets for each class). Collect back from each class.
3. Work Sheet for all students.
4. A standard American History or American Government text.
5. Documents of your choice. (Gulf of Tonkin Resolution, War Powers Act, etc.) plus the Constitution.

PROCEDURE

1. Brainwrite or brainstorm images of war or conflict; ask students to list at least three images they have of war or international conflict. List images on the overhead projector or the chalkboard. Discussion should follow on why they have the images presented. Compare their view of war and conflict with earlier generations.
2. Review Article I and Article II of the Constitution in respect to the Congress and President and their powers to deal with international conflict. You may wish to do a brief lesson on Separation of Powers and Checks and Balances in respect to dealing with international problems, or simply review briefly if those concepts were taught earlier.
3. Divide class into five groups. Distribute scenarios. Using the scenarios provided, students will use their knowledge of Congressional and Presidential powers related to international involvement to recommend to Congress and the President "to war, or not." Students are to record responses on the Group Response Sheet after discussing the choices recommended by group members. The teacher should talk to each group to make sure

the general situation in each scenario is clear. Have one person in each group responsible for summarizing the scenario and one person responsible for reporting their recommendations. Have the people selected sit at a panel in front of the room and others return from groups to their regular seats. Panel should give a summary of scenarios and group recommendations.

4. After all scenarios have been read and recommendations clarified, ask students what nation "Cinnamon" represents. (U.S.A.) Have students record their initial responses on worksheet to be used for homework.
5. Using assigned pages in the text, have students use worksheet provided to compare their responses to the scenario with the real situation in American History.
6. Follow up with an introduction to World War II. Use each group as the "experts" on their particular conflict, comparing the real situation with the group's original recommendation; start with W.W.II, and adding as much information as you wish with films, discussion, etc. Proceeding with as many of these historic conflicts as you wish until you finish the unit. Assign reading to students as you are about to deal with the conflict in class.

DEBRIEFING

a. Review the original scenarios by having someone in each group read the description given, but substituting the correct names of nations for the fictional ones.
b. Compare the original group recommendation with the actual circumstances in history.
c. Discuss the varied public responses to these conflicts and the reasons for the great differences among them.
d. You may have the class discuss some alternative actions of the Congress or the President that might have changed the outcome of these historic events.

EVALUATION

- The teacher might provide another scenario and ask students to analyze it and make recommendations to Congress and/or the President, anticipating the probable consequences of their suggestions. Another essay might require students to analyze the circumstances of one of the conflicts studied and suggest some ways the Congress or the President might have handled it more effectively.
- You may wish to include standard objective questions on the material covered.
- Follow up with a news assignment: have students use a newspaper or magazine article as a source. Ask the students to summarize the article and make a recommendation to Congress and/or the President to resolve the conflict. Students should also include the anticipated consequences of their suggested action. (Suggest areas of international conflict: Korea, Panama, Nicaragua, El Salvador, Persian Gulf, Intermediate-range Nuclear Forces Treaty [INF] with the Soviet Union, etc.)

TIPS FOR THE TEACHER

- Use random selection for determining the five groups of students.
- You may want to save initial brainwriting or brainstorming notes for absentees or for later discussion, comparing class responses, etc. If so, an overhead transparency instead of the chalkboard might be the best method of recording the information.
- Keep the Group Response Sheets for discussion at the debriefing and for absentees to review.
- You may wish to make five copies of the WORKSHEET: TO WAR OR NOT? for each student (or have them copy the one given to them for their classnotes or homework).
- If students have not studied the concepts of Separation of Powers and Checks and Balances, spend some time on that before the scenarios are distributed.
- Your Representative or Senator in Congress may assist you with research and original documents on topics such as The Gulf of Tonkin Resolution, The War Powers Act, etc.
- You or a student may wish to create a survey to find out when people (other students, parents, etc.) believe military responses are justified (if ever).

HANDOUT #1

SCENARIO 1

A nation named "Cinnamon" has been *neutral* in an international conflict that has been brewing several years. It has decided to allow all nations including "belligerents" to buy war materials with the understanding that they must pay cash for them and must pick up the items in their own ships. This nation has also decided to loan out some warships, make loans to friendly nations, and even lease some war items upon request. This nation has had several ships sunk at sea, but has not declared war on the nation called "Nutmeg," the one clearly responsible for the sinking.

"Cinnamon" does have a draft system in place.

"Parsley," a friend of "Nutmeg" has a declining relationship with "Cinnamon"; "Cinnamon" has recently placed an embargo on oil and aviation gasoline which "Nutmeg" used to receive. While diplomatic talks have been shaky, the envoys continue to discuss their problems.

Flash! News release: "Cinnamon" has just announced that there has been much damage, destruction, and loss of life when "Parsley" attacked a major territorial base belonging to her.

How should "Cinnamon" respond to this conflict?

HANDOUT #2

SCENARIO 2

Small country "Carraway" has been involved with international conflict and civil war since the turn of this century. It has been controlled territorially by a neighbor for years, and has recently been occupied by "Cinnamon's" troops as well as troops of "Paprika," another major power; both occupied this nation in the aftermath of an international war. Recently "Cinnamon" and "Paprika" withdrew their troops.

"Carraway" is divided into sections because of the civil turmoil. The sections of this nation are quite different: one part is mainly agricultural and is ruled by a "strongman" while the other part is primarily industrial and is ruled by a dictator. Each leader contends he has the backing of all people and wants the nation reunited.

Part "A" of "Carraway" has just been advised that troops from the opposition forces in section "B" are attacking by the thousands, and without warning!

How should "Cinnamon" respond to this conflict?

HANDOUT #3

SCENARIO 3

Nation "Sesame" has had economic problems since the turn of the century. "Cinnamon" has stepped in to control the collection of customs duties and has agreed to use armed force if foreigners tried seizing the nation. Finally, "Sesame" ordered out "Cinnamon"; "Cinnamon" responded by ordering in land troops and suspending the national legislature for eight years; "Cinnamon" stopped its "supervision" there some sixteen years later.

"Sesame" has had a rather unstable government; for a while the nation was ruled by a dictator who suspended civil rights and employed terrorists to oppose his enemies. That leader was finally assassinated a few years ago; the government has often been "provisional" and characterized by revolutions and counterrevolutions, resulting in what amounts to civil war and general turmoil.

"Cinnamon" has been worrying about other major powers stepping into this unsettled situation. There are also several citizens from "Cinnamon" living there. What would you recommend "Cinnamon" do at this point?

HANDOUT #4

SCENARIO 4

This nation, "Coriander," has been in turmoil since before the turn of the century. It has been occupied by a foreign power, survived an international war, and been involved in a civil war. The foreign powers that once occupied it finally left; in the current situation there are two leaders of two sections of the nation, both claiming control over the entire nation. The leader of section "A" is a corrupt strongman, while the leader of section "B" is a determined dictator. Many ordinary people would like the nation reunited. Oops! The corrupt strongman has just been assassinated and a military leader has replaced him.

"Cinnamon," a major power, has been sending money, leaders, military advisors, and intelligence gatherers to section "A" for years because officials tend to sympathize with their views of government more than they like its opposition.

Flash! Two warships of "Cinnamon" in nearby waters were reportedly struck by Section "B's" torpedo boats out surveying their own shores.

What would you recommend "Cinnamon" do about the current situation?

HANDOUT #5

SCENARIO 5

A small nation, "Cumin," has been secretly allowing a major foreign power to build up considerable economic and military supplies within its boundaries. "Cinnamon," a major power located nearby dislikes these events but is not too sure of the extent or intent of these changes.

"Cumin" has had a history of involvement with several foreign nations who were imperialistic, but has been trying to run its own government and economic activities without too much outside interference. She has a strong leader at this time who seems respected by most inhabitants of the nation.

Recently evidence is indicating that a military build-up includes offensive weapons capable of impinging on "Cinnamon." "Cinnamon," in fact, feels that her security is being threatened seriously.

What actions should "Cinnamon" take at this point?

HANDOUT #6

GROUP RESPONSE SHEET

Scenario # _____ Names of Students: _____

Class Period: _____ _____

_____

GROUP RECOMMENDATIONS:

1. Congressional actions: (List powers in the Constitution from Article I by number and description)

   Anticipated consequences of this action:

2. Presidential actions: (List powers in the Constitution from Article II by number and description)

3. An alternative action:

   Anticipated consequences of this action:

How many in the group agreed to the above recommendation? _____
If anyone preferred another plan of action different from the majority, indicate that choice and the reasoning behind it:

HANDOUT #7

WORKSHEET: TO WAR OR NOT?

ORIGINAL GROUP RECOMMENDATION IN SCENARIO:	IMMEDIATE AND/OR LONG RANGE CAUSES OF CONFLICT:	KEY NATIONS, PEOPLE, AND EVENTS IN CONFLICT:
Actual Conflict Name: Dates: Pages in Text:		

Public responses to the actual event (list ways Americans supported, opposed, or ignored the conflict):

Why do you think the public responded as it did?

HOMELESSNESS IN AMERICA: A Lesson on Individual and Collective Responsibility Toward an Unequal Group

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INTRODUCTION

This series of lessons is designed to help students develop a personal philosophy regarding the nature and extent of their personal and collective responsibilities to ensure that all Americans have safe and healthy shelter. It opens with a perception survey and a portrait analysis designed to help students become aware of their preconceptions and biases toward homeless people and the complexity of solving the problem of a lack of suitable and affordable living arrangements for them. The next activity is a responsibility survey which can aid students as they sort out what they believe to be reasonable limits on how far we can go as a society in helping needy people and eliminating problems of poverty and homelessness. The community survey is a research project which will give students specific information about services available in their community. From that activity, students will be able to identify gaps in current charitable and governmental programs' offerings and brainstorm other ways to tackle the problem. The final activity, the solution survey, requires students to identify different solutions and evaluate their relative effectiveness and benefits.

RATIONALE

Homelessness is an increasingly large and pervasive problem in our society. In studying this problem, students will increase their understanding of two broad law-related themes: responsibility and equality. Such a lesson could be used in conjunction with a unit on the Great Depression, a study of the two themes as they are implied in the Bill of Rights, or a study of current national programs.

GOALS

As a result of this lesson students will:

- develop an understanding of commonly held perceptions and assumptions, as well as facts about the homeless in America today;
- recognize prejudice and discrimination in our actions toward people who are outside the American mainstream;
- generate approaches to handle this difficult social issue;
- increase research skills using interviews and current sources of written information.

AUDIENCE

This lesson is appropriate for Secondary Students.

TIME TO COMPLETE

Approximately one to fifteen class periods, depending on parts of the lesson used.

MATERIALS

1. Perception Survey: Profile of a "Typical Homeless Person" (class set)
2. Optional: Statistics on homelessness in your community
3. Portrait Analysis: A Homeless Person and a Wealthy Person (class set)
4. Large pictures of a homeless person and of a rich person, from a magazine or other source (large enough to be seen by the class during a discussion)
5. Responsibility Survey (class set)
6. Solution Survey (class set)
7. Several local telephone books

BEST COPY AVAILABLE

PROCEDURE, PART ONE

Perception Survey

1. **Rationale:** People often perceive groups that are different from them in ways that are inaccurate, and that may color their study of that group. Before studying the problem of homeless persons, it is useful to understand the kind of people students think of when they hear the term "homeless person."
2. Pose the questions on the Perception Survey to students, using handouts or an overhead projector. Have students write their own answers and then create a composite class profile of a homeless person. Urge students to use descriptive terms, rather than judgmental language in performing this task.
3. Compare the class profile with objective statistics about homeless persons to see how accurate the students were. Discuss reasons for differences between student perceptions and the facts, as we have them.

   You may be able to find local statistics from a mayor's office, social service agency or charitable organization. A national Campaign to End Hunger and Homelessness publication ("Policy Priorities: Housing and Homelessness," see bibliography) gives the following information in response to the question, "Who are the homeless?"

- Between thirty and forty percent of the homeless are families. In some cities such as Providence, Trenton and New York, as many as fifty to sixty percent of the homeless are families.
- Homeless families are the single fastest growing segment of the homeless population.
- Roughly two-thirds of the homeless are single men.
- A high percentage of homeless men — between one-third and one-half — are veterans.
- About one-fourth of the homeless are considered chronically mentally ill.
- Between ten and fifteen percent of the total homeless population are single women.
- A New York Mayoral Commission in 1987 found that evictions by friends and relatives was the most common reason families cite for becoming homeless.
- The homeless are overwhelmingly very poor people.
- Homelessness is a problem in rural and urban areas.

PROCEDURE, PART TWO

Portrait Analysis: A Wealthy Person and a Homeless Person

1. **Rationale:** With some groups of students, it is difficult to focus a discussion on an abstract concept like homelessness without giving students a picture of what you are talking about. Through looking at pictures of particular individuals, students are more likely to identify concrete problems and specific solutions. This activity will be useful to students as they move into the research phase of the lesson.
2. Provide students with a picture of a homeless person to examine. Ask them to write answers to the questions given on the Portrait Analysis sheet.
3. In small groups, discuss issues of responsibility and equality as they relate to the questions on the sheet.
4. Have the group(s) identify areas of agreement and disagreement on those issues.
5. Repeat the same process using the picture of the wealthy person as the focus.
6. Debrief by discussing the issue of similarities and differences.

PROCEDURE, PART THREE

Responsibility Survey

1. **Rationale:** As a society we do not have universal agreement about the extent to which individuals are responsible for different tasks. This activity is designed to introduce the ideas that a person's level of responsibility changes with the nature of the decision and that there is a spectrum made up of many kinds of support that a person can receive from others. In addition, students can begin to think in a future-oriented way about whether today's solutions to the problem of homelessness in fact fit that population's needs.
2. Distribute copies of the survey to students. Read through the directions and model answers to questions to show whether individuals or groups DO and SHOULD make the decisions that are listed.
3. Debrief by holding a class discussion on one or two of the items that are of particular interest to students. Conduct a class poll on their answers to the question and discuss reasons for their opinions. If you have studied the social policies of

American leaders, use the survey as a basis for discussion by asking how a particular leader might have completed the form.

PROCEDURE, PART FOUR

Services for Needy People: A Community Survey

1. **Rationale:** Many students are aware of problems of poverty elsewhere in the world, but are uninformed about the scope of the problem and the type of solutions that are being tried in their own communities. Personal research about services for and attitudes toward homeless persons helps students understand what it might be like for a homeless person to seek out such services. This research will also provide students with knowledge of the services that presently exist and a concrete basis for proposing solutions to this problem.
2. Using the phone book or other available resources, generate a list of local social service organizations that deal with homeless or other needy people. Keep the phone book on hand in class. Possible agencies include:
   a. Shelter: Federal housing projects, Salvation Army and other emergency shelters, centers for battered women, and youth runaway shelters.
   b. Food programs: Food stamps, free lunch, meals on wheels, food bank, soup kitchens.
   c. Related services: state employment commission, mental health agencies, mental hospitals, alcoholism services, Goodwill Industries and other job-training and employment services, thrift shops.
3. Direct students to contact these organizations to determine:
   a. The types of services they offer and whether they serve homeless persons;
   b. Who qualifies for services: age groups, family situations, residency requirements, job requirements, documentation needed, income level allowed;
   c. How to apply: where, when, forms needed;
   d. How long it takes to begin receiving service or benefits;
   e. The need for such services in the community: how many people have been served in the past and how many are on waiting lists;
   f. Problems that the agency faces in providing services to the homeless: budget and staffing constraints, access to the needy, community awareness;
4. Have another group of students consider the problem from the perspective of the local economy and politics. They should interview people in such positions as:
   a. the police department: ordinances on vagrancy and their enforcement, the incidence of homeless persons being involved in crime;
   b. the chamber of commerce: business concerns about and involvement in solving problems of poverty;
   c. city or town council: how they have handled and intend to handle the problem;
   d. business personnel officials: how they handle layoffs and firings, projections on future hiring and firing possibilities and the impact that the company could have on the homeless problem;
   e. banks: foreclosure and loan procedures and frequency in the community.
5. Have students share information and impressions with the group. What picture do their findings create about local attitudes toward the homeless and what economic considerations might contribute to the problem? How were they treated by the staff of the agencies and businesses they called? Did application requirements seem meaningful? What problems might homeless persons encounter if they sought help from these groups?
6. If time and logistics permit, invite several guest speakers from the list of persons to enrich students' understanding. A panel of guests might work well.

PROCEDURE, PART FIVE

Solution Survey

1. **Rationale:** Some students may be convinced that solving these problems is the sole responsibility of the individuals who face them. This activity is designed to help students decide how to address the problem as a society, given a situation in which a number of individuals have not been able to be successful on their own.
2. Distribute and discuss the directions for the survey.

EVALUATION

Thoughtful completion of the written activities showing thorough and well-organized answers, evidence of thorough research, and group participation according to specific criteria can all be used effectively.

TIPS FOR THE TEACHER

This could be a sensitive topic for students whose families find themselves in hard times. Some students are prone to make fun of others' difficulties, and so a compassionate and concerned tone and purposeful approach to the topics under discussion are helpful. In addition, some students may find the interviewing

difficult, especially if a question is unclear to the respondent or if the respondent needs to dodge the question for some reason. Some students need coaching about telephone etiquette and about where to turn if they reach a bureaucratic dead end in their searching.

BIBLIOGRAPHY

A. Homelessness

Baumann, Donald and Grigsby, Charles. *Understanding the Homeless: From Research to Action.* Austin: Hogg Foundation, 1988.

Dakin, Linda S. "Homelessness: The Role of the Legal Profession in Finding Solutions through Litigation." *Family Law Quarterly* XXI:1, Spring 1987, 93-126.

The Campaign to End Hunger and Homelessness, 714 G Street, S.E., Washington, D.C. 20003.

B. The Great Depression

"The Great Depression: How a U.S. Corporation Responded." Proctor and Gamble Educational Services, 1982.

Terkel, Studs. *Hard Times.* New York: Avon, 1971.

HANDOUT #1

Perception Survey: Profile of a Typical Homeless Person

Please answer these questions in complete sentences.

1. Who are the homeless? Describe a "typical" homeless person in terms of these characteristics:
   a. age
   b. sex
   c. place where he or she lives (type of structure, part of the country)
   d. family status
   e. reason for homelessness
   f. physical health
   g. mental health
   h. things they value
   i. other characteristics
2. What problems do we face as a society in dealing with homelessness? Describe problems that homeless persons have, as well as problems that agencies and persons who try to help them encounter.
3. How can we address the problem of homelessness? What needs to be done?

PORTRAIT ANALYSIS

Observations

1. Who is the person in the picture?
2. What is this person wearing?
3. What is this person doing?
4. What is the environment in which this person is found?

Conclusions

5. What assumptions do you have about this person and the kind of life he or she leads?
6. What feelings does the person in the picture seem to be experiencing?

Responsibility

7. How did this person get to be this way?
8. What kinds of problems might he or she have?
   a. Which of these might have been his/her fault?
   b. What causes might have been beyond his/her control?

The Future

9. In solving the problems that this person faces, what things will he or she need help doing?
10. What things should he or she be expected to do on his or her own?

Collective Responsibility

11. What responsibilities do we, as a society, have toward people like this?

Equality

12. How is this person different from you?
13. How is this person similar to you?
14. Why might some people feel uncomfortable talking to a person like this?
15. What kind of laws would this person probably like to see passed?
16. What kind of laws would this person dislike or have a hard time obeying?
17. What kind of treatment would you expect this person to receive that is somehow different from the treatment that average, everyday people receive from others?
18. If this person needed help, where might he/she turn?

HANDOUT #2

RESPONSIBILITY SURVEY

Who is usually responsible for the activities described below — an individual acting alone or an individual being helped by a group of others, such as the family, friends, charities or government agencies? Mark "IS" under the group that is now normally responsible for each of these activities.

2. Who whould ideally be responsible for each activity? Mark "ID" under the appropriate columns.

NOTE: Sometimes you will have both answers in the same column.

Activity or Decision	The Person or Group Who is Responsible				
	Person Alone	Person's Family	Person's Friends	Charity Group	Gov't. Agency
Education					
1. Getting to school each day					
2. Getting school supplies					
3. Learning to read and write					
4. Understanding ideas that are hard					
5. Deciding what is important to learn					
6. Deciding how long to go to school					
Food					
7. Deciding what to eat					
8. Buying or growing food					
9. Preparing food					
10. Making sure there is enough food for everyone					
Shelter					
11. Deciding where to live					
12. Deciding whom to live with					
13. Paying for shelter and utilities					
14. Keeping shelter in good repair					
Clothing					
15. Deciding what to wear					
16. Paying for or making clothes					
17. Keeping clothes clean					
Employment					
18. Deciding where a person should work					
19. Deciding on how much money a person needs to make to live					
20. Deciding how long and under what conditions a person should work					
Health Care					
21. Deciding if a person needs to take a home remedy for an illness					
22. Deciding whether to seek outside health care					
23. Paying for medical care					

Choose any two items from the list above that interest you.

a. If the way things *are* decided now and the way you think things *should* be decided are the same, tell what is good about this way of handling the activity.

b. If things are not usually decided in the way you think they should be, tell why you think there needs to be a change.

HANDOUT #3

SOLUTION SURVEY

A. In the Responsibility Survey you marked down whether or not you felt individuals or groups should be responsible for providing for basic needs. These needs include education, food, shelter, clothing, jobs, and health. In this survey, you will be looking at each of these issues from the standpoint of need. You will assume that problems exist in your community in these areas. Individuals have failed, for whatever reasons, in providing these needs for themselves. Your task is to figure out the best way to solve the problems — through the help of families, friends, church and charitable organizations, local government agencies, and national government agencies. For each of these solutions, indicate whether it is now being carried out in the way you envision. Under the appropriate columns, mark "IS" for the ways the problems are now being addressed and "ID" for the ideal solution to the problem.

The Problem	The Groups That Would Solve It Best			
	Family/Friends	Church, Charity	Local Gov't	National Gov't
1. **Lack of Education: Illiteracy.** Which groups can help make sure all Americans can read, write, and calculate?				
2. **Hunger.** Which groups can insure that all Americans have enough to eat?				
3. **Homelessness.** Who can best insure that all people have a secure and healthy place to live?				
4. **Basic Needs.** Who can make sure that all have adequate clothes and basic household needs?				
5. **Unemployment.** Who can best insure that all have a job that enables them to meet their basic needs?				
6. **Disease.** Who can insure that all have the health care they need to be free from disease?				

B. For any one of these areas, describe the barriers that stand in the way of a solution to the problem. Be as specific as you can. For example, do not just say "not enough money", rather, tell what services or goods that increased funding would be used to purchase.

Describe:

- attitudes and preconceptions
- traditions
- laws that may stand in the way of a solution

C. Imagine that you have the power to change one attitude or law about the area you have chosen.

1. Which attitude or law would you choose? Why?
2. How would you change that attitude?
   a. What person or group would you convince?
   b. What method would you use to change it? (lobbying, advertising, debating, etc.)
3. What would your community look like with that attitude or law changed?

EQUAL RIGHTS FOR THE HOMELESS?

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INTRODUCTION

The problem of the homeless is increasing across America. Statistics are frightening; New York City alone spends 300 million dollars per year on the homeless. Experts estimate that hundreds of thousands of Americans will live on the streets in the near future. In July of 1987, the President signed a bill that appropriated one billion dollars of aid to the homeless. Who are these people? Why are they homeless? Where do they come from? How can we deal with this issue effectively? What are the solutions?

These are the questions our students will answer in the coming years. Even faced with these alarming statistics, most students, like adults, refuse to believe that there really is a problem. Awareness and knowledge are the first two steps in finding realistic solutions.

RATIONALE

This unit is designed to promote student awareness and knowledge of homelessness in America. Students will seek an understanding of homeless people, the roots of the problem and will propose possible solutions. Students will be forced to examine the issue and deal with the homeless and answer questions concerning their rights as American citizens.

AUDIENCE

This lesson is appropriate for junior or senior high students.

TIME TO COMPLETE

Three to seven days. Activities are designed to allow you to pick and choose.

GOALS

As a result of this lesson students will:

- define the problems encountered by the homeless;
- analyze the causes and effects of this problem;
- examine the Constitution and Declaration of Independence and list the rights of all Americans;
- study the life of the homeless and compare their rights and privileges with those of other Americans;
- project possible solutions for this problem at all levels of government;
- evaluate present programs utilized by the government;
- experience the life of the homeless firsthand;
- involve themselves in the political process;
- develop a strategy for their community and present this to the appropriate local government body;
- improve critical thinking skills.

MATERIALS

1. There are numerous articles in current magazines for students to use. Students should examine new Periodic Guides to find the most recent information on the subject. Statistics change monthly, and students will need to be as up to date as possible. Also, the Donahue and Winfrey shows have addressed this subject. Transcripts are available upon request to the producer.
2. Write to the Campaign to End Hunger and Homelessness. Obtain written information and packets. For example "Policy Priorities, Housing and Homeless," Address: 714 G Street, SE, Washington, D.C. 20003.

PROCEDURE

1. To open the unit, have students brainstorm for five minutes. Tell them to list all the different activities that require an address (i.e. voter registration, school registration, etc.). List all the answers on the board, then discuss with the students

what their life would be like and the problems they would face if they had no address.

2. Have students project reasons for the homeless Americans. You may want to have students use current articles to gather information (ex. *National Review*, Sept. 25, 1987; *Newsweek* March 21, 1988, and the *New Yorker Magazine* May 2, 1988).
3. Students should determine the housing costs in their given area along with median income and poverty level income. Students could be given sample problems. For example, suppose in a family of four with a median income of $19,000, the main breadwinner develops AIDS. Medicine will cost five hundred dollars per month. What could happen to this family? Where could they go?
4. Have students examine the Declaration of Independence and the Constitution, specifically the Preamble and Amendments One through Ten. Students should determine the basic rights and freedoms that our government guarantees to *all* people. What is meant by "general welfare" and "a more perfect union"? Have students examine the life of the homeless. What rights and freedoms do they enjoy and what have they forfeited? Students should compare their original list to the latter. Students should answer pertinent questions.

   Is shelter a right or a privilege? Is the government obligated to redistribute property and income in order that all will have housing? Is this an infringement of a property owner's rights?
5. Students should develop a future forecast based on the question "What could happen in the U.S. as the level of real wages decreases due to the decline in the number of workers between eighteen and fifty?"
6. Student groups should develop their own strategies to deal with the problems they foresee. Have students develop goals and policies at all three levels of government. Students should research actual policies that these different levels of government are implementing and compare the actual policies to those they developed.
7. Sudents should be ready for a simulation on the local level. Divide the class up to resemble their community. Students should represent the following:
   - a mayor
   - city manager
   - business leaders
   - church leaders planning a shelter
   - the homeless
   - city council members
   - neighborhood leaders

   Have students research their position and simulate their city council. THE QUESTION:

   Church leaders propose to build a shelter for the homeless near the downtown area. They are asking the city for $100,000. This facility will house and feed thirty homeless. The shelter will be located in a middle class neighborhood, located a few blocks from the downtown business area of the community.

   This activity should enable the students to look at this issue from all sides and to realize that this is a problem that will not easily be solved.

EVALUATION

At the end of the unit, students should be ready for an actual encounter with the problem. Hopefully, they will be ready for action. As with any unit, there are numerous ways to evaluate and summarize. I have offered a few enrichment activities that will get the students out into the community and generate political involvement in the issue.

- Require the students to visit a shelter, or to work in a soup kitchen.
- Invite someone from the Campaign to End Hunger and Homelessness, or someone who was homeless to your class.
- Have your students present their local strategies to their city council. This will take a great deal of planning, but will be worth the effort.

A MEETING OF MINDS

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INTRODUCTION

This lesson looks at constitutionalism and civil rights in two countries, the U.S. and U.S.S.R., through the eyes of historical characters who roughly parallel each other in three periods: the early nineteenth, early twentieth and late twentieth centuries. The lesson is best suited for students who have had Western Civilization and U.S. History.

RATIONALE

Because these two countries exert such a wide impact on the world, it is necessary for students to develop an understanding of how each country visualizes constitutionalism and civil rights, and how the vision has changed over time. The lesson could fit into a legal studies class in the context of comparative justice systems; similarly it could fit into a world history class in the context of the working-out of the ideas of the Enlightenment, and to show how historical and cultural settings affect the formation of political philosophies.

AUDIENCE

This lesson is appropriate for students in grades ten through twelve.

TIME TO COMPLETE

Minimum five days, depending on class, including preparation time and debriefing.

GOALS

As a result of this lesson, students will:

- define key political and legal concepts and their development since the eighteenth century;
- enrich their "sense of history" and appreciation for cultural change by role playing characters from different eras;
- improve research skills through use of library and research materials while trying to recreate a historical character;
- use their analytical skills in interpreting material, and their synthesizing skills in the give-and-take or the role play.

MATERIALS

1. World History and U.S. History textbooks for quick in-class reference.
2. Biographical sketches of characters. Those included in this lesson plan may be expanded to meet students' needs. Substitutes could be used if appropriate.

PROCEDURE, PART ONE

Day One. (Take as much time as needed but you shouldn't need more than two days.)

1. The teacher should introduce the lesson plan by explaining the idea of the role play. Move to a teach/review lesson on "natural law/natural rights" as discussed by Locke and Rousseau.
2. Define terms:

constitution	enlightenment
federalism	republicanism
civil rights	due process
democracy	equal protection
liberty	collectivism
enlightened despot	communism
judicial review	Marxism
society	capitalism
economy	socialism
property	

3. Introduce the issue of privacy. A good way to begin would be with a dictionary exercise, having students compare "privacy" and "private" and then having them discuss what *they* identify as areas where *their* privacy is an issue. (See attached list of selected cases involving the privacy issue as determined by the U.S. Supreme Court.) Then lead the discussion to a broader context by going back to the definitions of "liberty" and "property." Is "liberty" merely the power to do as one pleases or does it include the idea of freedom from arbitrary control? To what extent does "privacy" and a "right to privacy" depend on ownership of property, and does "property" only imply tangible goods or real estate?

4. Introduce the characters who will be role-played: Alexander I, Stalin, Gorbachev, Madison, Holmes, Rehnquist.
5. Divide the class into six groups, telling students that someone from each group will eventually play a character. Assign one character to each group.

   Homework: Students are to identify the characteristics of the world in which each character lives/lived — what major events, technology, communications developments, arts etc. shape conditions? The assignment may be divided up so that each person in each group has something specific to identify, and so that each group will become the "authority" to explain the "world" of its character to the rest of the class. Ask each student to focus on creating a hypothesis: What, to that time and culture, would individual rights in general, and a right of privacy in particular, have meant? Students should be prepared to support their hypothesis with something from their homework research. N.B. Bernard Grun's *The Timetables of History* (N.Y.: Simon and Schuster, "Touchstone" ed., 1982) is a great help for this assignment but many World History texts contain useful maps, illustrations, and facts.

PROCEDURE, PART TWO

Day Two

1. Divide the class into the six groups and allow time for the students to compare notes on what they have prepared for homework. Have a spokesperson report to the class. Encourage all students to take notes and add to them, make connections or comparisons as group reports continue.
2. Have students identify areas they have questions about. Schedule a class period in the Library. Consult with the librarian; he/she may help locate pertinent materials and reserve them for your class. You may want to give students a list of source materials and a homework headstart, thus saving time in the library. What students should look for are any facts that would identify rights of individuals, especially rights relating to privacy.

PROCEDURE, PART THREE

Day Three

Library research day. Encourage students to put information found on three by five index cards, with topic/subtopic clearly identified for easy recall.

PROCEDURE, PART FOUR

Day Four

Finalize role playing. Establish the forum in which the role play will take place (i.e., the National Press Club, with "audience" of journalists with whom the students are familiar, or; a "hearing," in which the members of the research team will back up their principal by acting as aides.) Encourage each student to make a nametag or costume for the next day's activity. Remind each team to prepare not only to discuss how its character would answer questions, but how to challenge other members of the role play panel.

PROCEDURE, PART FIVE

Day Five

Arrange your classroom to fit the chosen forum. The teacher should act as moderator or referee.

1. Introduce each character, or have them briefly introduce themselves.
2. Establish the ground rules for the forum you have chosen. Set time limits for each speaker. Teacher controls recognition of speakers and posing of questions.
3. DEBRIEFING.
   Questions should concern constitutional rights in the framework of different cultural contexts. Look for developments and evolution of concepts. See Day One (a) for kick off question ideas.

   a. Brainstorm with students what they derived from the role play. How did the characters from the U.S. and U.S.S.R. differ from one another in their responses to the questions asked? Were the responses realistic and reflective of the eras from which each came? Did the trend of responses reflect a growing or lessening concern for the "right to privacy" of individuals? Was a need for a better definition of the right determined? Was a perceived need being met?
   b. If appropriate, distribute a handout of Supreme Court cases on the privacy issue. These may continue the lesson, or may be part of the panel discussion.
   c. Ask students to write a paper drawing comparisons between the Soviet system and our own system based on the role play, the brainstorming, and review of the terms presented on day one. This could be individualized by comparing a pair from a specific period, or what one person from one period might think about the developments from a different period within the same national framework.

EVALUATION

1. During the small-group phase, the teacher should circulate from group to group to see whether people are on task or at a loss as to where to begin. Keep an eye out for "unanswered questions." Make these part of library research.
2. Tape the role play while it is in session. It will provide refreshers for brainstorming.
3. After reading the students' papers, there may be a good chance for further reinforcement teaching.
4. Be ready to correct misinterpretations *as they occur.*

TIPS FOR THE TEACHER

- Don't stint on prep. time. I worked on this first with a group of honors-level seniors. We all were astonished at how much they had forgotten!
- Since the overall object of the lesson is to compare the concepts of constitutionalism and civil rights in two cultures, the Locke/Rousseau background is *vitally* important. The most significant difference that should be reinforced is that which focuses on the *importance of the individual* versus the *importance of the state.* If students can understand that there are deep-rooted traditions of centralization and authoritarianism in the U.S.S.R., and a very different tradition, based on a deep concern for limits on the power of government in America, then they will have a framework for understanding the differences between our cultures today.

BIBLIOGRAPHY

Cox, Archibald. *The Court and the Constitution.* Boston: Houghton Mifflin Company. 1987.

DeJonge, Alex. *Stalin and the Shaping of the Soviet Union.* New York: William Morrow and Company, Inc. 1986.

Ellison, Herbert J. *A History of Russia.* New York: Holt, Rinehart and Winston, Inc. 1964.

Lewin, Moshe. *The Gorbachev Phenomenon: A Historical Interpretation.* Berkeley: University of California Press. 1988.

Padover, Saul K. (ed.). *The Complete Madison: His Basic Writings.* New York: Harper & Brothers, Publishers. 1953.

Shipler, David K., *et al.* "How We See Each Other." *The New York Times Magazine.* November 10, 1985, 30-56.

White, G. Edward. *The American Judicial Tradition: Profiles of Leading American Judges.* New York: Oxford University Press. 1976.

Will, Elder (ed.). *Guide to the Supreme Court.* Washington, D.C.: Congressional Quarterly, 1979.

INTRODUCTORY NOTES ON CHARACTERS

ALEXANDER I (1777-1825)

The grandson of Catherine the Great of Russia, Alexander had been educated in the tradition of Rousseauian "enlightened despotism." This tradition sought to reform society from above by establishing authoritative legal codes to equalize the classes and society before the law. When he came to the throne, Alexander was filled with the rhetoric of reform, and with a circle of friends and began to consider ways to change Russia for the better. Because of the state of Russian society — serfdom was still a major factor, and most Russians lacked education — the development of a constitution was delayed and interrupted by the Napoleonic Wars. Alexander did authorize some reforms: some changes in the status of serfs were effected, some religious tolerance and some freedom of expression grew. Constitutions for Poland and Finland were also granted. A permanent secret police was established, and though in the area of government some bureaucratic developments occurred, Alexander left the tsardom much as he found it; an absolute monarchy incapable of limiting its own powers.

JOSEPH STALIN (1879-1953)

Stalin became a Marxist early in his life, while studying for a career in the Orthodox priesthood. He became a follower of Lenin, a Bolshevik, participating in the Revolution of 1905 as a propagandist and agitator, adopting his name later, in 1913. He was the first editor of *Pravda.* After the 1917 revolution, he rose to the office of General Secretary of the Communist Party (1922). In the period after Lenin's death, he became a member of the ruling triumvirate, and worked to make the U.S.S.R. a one-party state, crushing freedom of expression. Between 1925 and 1929 he eliminated his key opponents by purge or exile, emerging as dictator by 1930. Through the use of ruthless methods he collectivized farming and began the industrialization of the Soviet economy. He shaped the U.S.S.R. into a highly centralized state, using secret police and informants to consolidate his control. He oversaw the drafting of a constitution which proclaimed a federation of Soviet republics and under which the law-making power remained with the central government. Rights were guaranteed to citizens (see 1936 Constitution, Chapter X: Fundamental Rights and Duties of Citizens). A series of show trials followed the publication of the Constitution of 1936. These trials were a way of eliminating Stalin's personal enemies as "enemies of

the people." They were also accompanied by the arrest and trial of millions of citizens, followed by the arrest and trial of their families and friends, providing populations for the labor camps. Stalin led the Soviet Union to victory in World War II, with the help of the Western Allies; in the post-war period his troops occupied eastern Europe to provide a buffer zone for protection for the U.S.S.R. This action led to the onset of Cold War, the Iron Curtain, and the continued repression of peoples inside their empire.

MIKHAIL GORBACHEV (1931-)

Gorbachev was born in a village in southern Russia during the period in which the collectivization of agriculture proceeded. Although he grew up during W.W.II, it wasn't until he left for the university that he understood the severity of the war's impact on his country. At the university he studied law and read western philosophy as well as Marxist dogma. His political career began with doing propaganda work for *KOMSOMOL*, first in Moscow and later in southern Russia, where he began to push for less central control over local affairs. Brought into national prominence by Andropov in 1982, he became General Secretary of the Communist Party in 1985. Currently he is trying to move his country into a truly "modern nation" status by instituting the "Glastnost" (openness) policy, and pushing for "perestroika" (change) in Soviet society and its economy. Glastnost is most evident in the discussion of internal Soviet problems (alcoholism, the excesses of the Stalin era, etc.) in the press and by the public, in the airing of disputes within the Communist party, and in revelation of problems among nationality groups within the Soviet Union. Antagonism from many sources is evident as the security of seventy years of political control begins to crumble in the face of greater individual responsibility. Although the decentralization of the economy is not going to lead to western-style capitalism, and the "openness" of Glastnost is not going to lead to western-style democracy, Gorbachev does realize that the process of change must center on people, and that to achieve meaningful change it will be necessary to destroy the political and economic institution from the Stalin era. He does NOT suggest abandoning communism.

JAMES MADISON (1751-1836)

Most Americans remember Madison as the "Father of the Constitution," or as the President who led the nation during its "second war for independence", the War of 1812. He should also be remembered for his vast contributions to the history of constitutional development in America, ranging from publication of the *Federalist Papers* to his many commentaries on constitutional questions. He had a great concern for religious freedom and separation of church and state. His feelings about the nature of American federalism and republicanism were balanced by concerns for individual rights and limits on government power. He was concerned about an overly powerful central government. Quoting from Neal Riemer (*James Madison*. "The Great American Thinkers Series." New York: Washington Square Press, 1968. pp. 41-42):

> Madison held that freedom, an inalienable right, was man's natural condition. By "natural" and "inalienable," Madison understood what most advocates of a natural rights philosophy meant by these terms. Freedom was "natural" in the sense that the ability to be, think and act was part of man's endowment as a whole, sane, normal, human personality. Freedom was "inalienable" in the sense that man ceases to be whole or human if freedom was taken away from him. Freedom was, moreover, intimately related to reason, and right reason led man to appreciate the value of a constitutional political order. The ability to think and act was the ability to protect life more securely, to expand liberty more generously, to safeguard property more adequately, to ensure conscience.

OLIVER WENDELL HOLMES, JR. (1841-1935)

Born into an aristocratic Boston family, Holmes attended Harvard University. He fought and was wounded in the U.S. Civil War and returned to Harvard to complete his education "reading" law in a prestigious firm. He was influenced by Emersonian philosophy, and was a religious skeptic. In his book *The Common Law* (1881), Holmes wrote:

> The life of the law has not been logic; it has been experience. The felt necessities of the time, the prevalent moral and political theories, institutions of public policy, avowed or unconscious, even the prejudices which judges share with their fellow men, have a good deal more to do than the syllogism in determining the rules by which men should be governed.

Again, in an essay "The Path of Law" (1896)

Holmes "Denied that the law was a 'system of reason' or a 'series of deductions from principles of ethics'; it was simply an embodiment of the ends and purposes of a society at a given point in its history" (White, 157). In his long judicial career, which included a judgeship on the Massachusetts Supreme Court (1883-1902) as well as Associate Justice of the U.S. Supreme Court (1902-1932), Holmes developed a theory called "judicial self-restraint" in which he believed that unless a law was obviously unconstitutional, the Court should accept the will of the majority as demonstrated by the legislature (Cox, 154-5). In many opinions, Holmes represents an example of the "living Constitution" at work. in *Truax v. Corrigan*, 257 U.S. 343-4 (1921) he wrote, "Legislation may begin where an evil begins." In *Abrams v. United States*, 250 U.S. 616-30 (1919) Holmes stated:

> The ultimate good desired is better reached by free trade in ideas . . . the best test of truth is the power of the thought to get itself accepted in the competition of the market. . . . That at any rate is the theory of our Constitution. It is an experiment. While that experiment is part of our system, I think we should be eternally vigilant against attempts to check the opinions that we loathe . . . unless they so imminently threaten immediate interference with the lawful and pressing purposes of the law that an immediate check is required to save the country.

Holmes lived, worked, and wrote in a time of significant economic and demographic change in America. His concern for individual rights was balanced by his willingness to consider the importance of democratic majority rule.

WILLIAM H. REHNQUIST (1924-)

Rehnquist is a graduate of Stanford University Law School and served as a law clerk to Justice Robert H. Jackson in 1952-53. He became an Associate Justice of the U.S. Supreme Court in 1971 as a Nixon appointee, after having served as U.S. Assistant Attorney General from 1969 to 1971. During that time he testified before Congress on numerous occasions, supporting such conservative positions as government surveillance of American citizens and tighter curbs on obscene materials. He has traditionally and consistently favored government interests over individual rights and liberties. Moreover, he . . . [has] been critical of judicial decisions protecting individual rights. . . . His dissents have sometimes savagely attacked Court majority opinions that have protected individual liberties and interpreted the Fourteenth Amendment's equal protection clause to prevent race and sex-based discrimination.

(James Simon, *Vital Speeches*, Nov. 1, 1986, 47). Rehnquist differs from Holmes on the meaning of change under the Constitution: Holmes would support the majority unless an obvious unconstitutionality resulted, Rehnquist supports the "original intent" of the Founding Fathers, discounting the America we live in today. Since 1986, Rehnquist has held the seat of Chief Justice. He maintains conservative majority support. A *Newsweek* article, "Reagan Justice" (June 30, 1986, 14-19, 18), describes Rehnquist as a

> "...known commodity who sticks to his positions whether as a solitary dissenter or writing for the full Court. Nine years ago Harvard law professor David L. Shapiro analyzed Rehnquist's work and concluded that he was guided by three basic propositions: conflicts between the individual and the government should be resolved against the individual; conflicts between state and federal authority should be resolved in favor of the states; and questions of the exercise of the jurisdiction of the federal courts should be resolved against such exercise."

SOME CASES INVOLVING THE ISSUE OF A "RIGHT TO PRIVACY"

Griswold v. Connecticut, 381 U.S. 479 (1965) on the issue of birth control (contraceptives) for married couples.

Katz v. United States, 389 U.S. 347 (1967) on wiretapping a public phone booth.

U.S. v. U.S. District Court, 407 U.S. 297 (1972) on the requirement of a warrant for government-ordred wiretaps.

Baldridge v. Shapiro, 102 S.CT 1103 (1982) on disclosure of census data under the Freedom of Information Act.

New Jersey v. T.L.O., 469 U.S. 25 (1985) on reasonableness of the context in which a Fourth Amendment search takes place without a warrant in a school.

O'Connor v. Ortega, 107 S.Ct. 1492 (1987) on warrentless searches in a workplace where there may be an "expectation of privacy."

Cox Broadcasting Corp. v. Cohen, 420 U.S. 469 (1975) on publication of the name of a rape victim once the name had been cited in an indictment.

Stanley v. Georgia, 394 U.S. 557 (1969) on possession of "obscene" materials in one's home, for private use.

Whalen v. Roe, 429 U.S. 589 (1977) on the right of the state to keep computerized records of persons buying drugs by prescription.

BIG BROTHER IN THE CLASSROOM

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INTRODUCTION

This lesson involves a simulation in which a peer police force (covert and overt) observes the students for possible school rule infractions. After a day of "police" observation the simulation ends with a discussion of the right to privacy and the Fourth Amendment. One follow up activity includes a worksheet which simplifies the amendment, showing why it's needed and areas of possible abuse. A group activity demonstrates how the amendment insures privacy but may hinder police work. A culminating writing assignment brings home the importance of the Fourth Amendment to the students' daily lives and the technological advances that may impact its effect on their futures.

RATIONALE

Students need to know that the Constitution affects them daily. The privacy issue is one that they must face since students are afforded less privacy at school than most members of our society. Spying is a topic of interest for most adolescents and provides a good "hook" for engaging the students in a study of the fourth amendment.

AUDIENCE

This lesson is appropriate for middle school students but can easily be adapted.

TIME TO COMPLETE

Five class periods, but can be extended indefinitely.

GOALS

As a result of this lesson, students will:

- be introduced to the Fourth Amendment;
- realize how the Amendment protects them;
- recognize possible abuses of the Amendment in our current society;
- speculate on how future technology will impact the right to privacy addressed by the Fourth Amendment.

MATERIALS

1. Armbands for peer police
2. Copies of *New Jersey v. T.L.O.*
3. Copies of "Fourth Amendment Worksheet"
4. Copies of "Smile . . . " article

PROCEDURE, PART ONE

Day One

Select six volunteers from class to form a peer police force. Tell them in front of the whole class that they must write "tickets" for students they observe breaking school rules. They will not interact with the guilty parties but will turn in the tickets to the teacher the following day. Tickets may be written without the offenders' knowledge. Police armbands must remain in plain sight for the entire day. Also inform the students that a secret peer police force has been fully operational for the past 24 hours.

PROCEDURE, PART TWO

Day Two

The teacher begins by collecting the tickets. A discussion ensues to answer the following questions.

1. How did the students feel who were being watched?
2. How did the peer police feel? How did students react to their presence?
3. How did students react to the knowledge of a secret police force? Whom did they suspect and why?
4. The police exist to make people feel more secure. Did the students feel more secure during this exercise?
5. Are the students entitled to more privacy?

Introduce the text of the Fourth Amendment. Discuss its implications for students. Have the students read *New Jersey v. T.L.O.* in small groups and discuss their reactions to the court decision.

PROCEDURE, PART THREE

Day Three

The class breaks into pairs to work on the "Fourth Amendment Worksheet." In the first column students write examples of how it is properly enacted. Example for #1: "airport searches and screening." In the second column students write possible abuses of the amendment. Example: "All students entering the school could be searched for cigarettes, drugs, or gum." The teacher will review the worksheets orally with the students. After the discussion, the students will start reading "Smile ..." in class and complete it for homework.

PROCEDURE, PART FOUR

Day Four

Part I

Small group (4-5 students) exercise.

You are a narcotics team that receives an anonymous tip informing you a notorious cocaine dealer moved into your town last Thursday. Your records show that twelve people moved into town that day. How do you find the dealer and gather evidence that leads to his/her arrest and conviction? You must strictly adhere to Fourth Amendment guidelines.

Part II

The same scenario as Part I is in place but this time you may ignore the Fourth Amendment. You may draw on new knowledge from the "Smile . . . " article.

A class discussion comparing the differences in the answers will follow the completion of the assignment.

PROCEDURE, PART FIVE

Day Five

Debriefing and final assignment

DEBRIEFING QUESTIONS

1. Compare how the Fourth Amendment might be viewed by:
   a. a criminal
   b. a police officer
   c. a law abiding citizen
   d. an investigative journalist
2. Do you think that people are willing to give up some privacy for greater protection? Is there a correlation between the degree of danger present and the willingness of people to suspend their rights?
3. How does the phrase "innocent until proven guilty" apply to the Fourth Amendment?

EVALUATION

1. Group can be monitored for participation grades.
2. Worksheets can be collected.
3. Final Assignment

   Write a worse case scenario for yourself on a day when the Fourth Amendment does not exist. Use at least four of the seven elements from the "Fourth Amendment Worksheet."

TIPS FOR THE TEACHER

Creating a secret police force even for a single day may create problems for the teacher that he/she may not care to confront. There is still a way out. Simply tell the students that a secret police force of their peers does exist and that they have all been sworn to secrecy. The students become just as paranoid and the teacher is spared the phone calls from parents wondering why their child was recruited as a private snitch.

Teachers may elect to use the first debriefing question as a writing assignment rather than a discussion starter. It works well as a point of view exercise.

BIBLIOGRAPHY

Budiansky, Stephen. "Cheaper Electronics Makes it a Snap to Snoop," *U.S. News and World Report*, May 18, 1987, 54-56.

Cary, Peter. "The High Cost of the F.B.I.'s High Tech Crime Wars," *U.S. News and World Report*, Nov. 30, 1987, pp. 22-23.

Stewart, Doug. "Spy Tech," *Discover*, March 1988, pp. 58-65.

Zuckerman, Laurence. "Sticky Issues in Gumshoe Journalism," *Time*, Aug. 8, 1988, pp. 72.

HANDOUT #1

FOURTH AMENDMENT WORKSHEET

	PROPER USE	POSSIBLE ABUSE
Secure person against unreasonable search and seizure		
Secure papers against unreasonable search and seizure		
Secure effects against unreasonable search and seizure		
Warrants issued only upon probable cause		
Warrant must describe place to be searched		
Warrant must describe the person to be seized		
Warrant must describe the thing to be seized		

HANDOUT #2

SMILE . . .

James has had a rough day at Ian Fleming High School. He decides he just can't face his parents tonight so as soon as the dismissal bell rings he shuffles to the pay phone in the hallway to call his mom at work.

"Hello Mom? Sean and I have a big history project due tomorrow. We're probably going to stay up all night working on it so I'm going to spend the night at his house. O.K.? Thanks Mom. See you tomorrow."[1]

As James walks down the hall towards the school exit he is stopped by Wilson Nerdlich. "James," says Wilson, "I hear you've been badmouthing Rocky Rhodes."

"Yea, I think Rocky's blackbelt in karate has cut off the circulation to his brain. That guy makes moss look intelligent. I don't care if he does outweigh me by forty pounds, I can still kick his rear any time I want."

"O.K. James. Just checking my info."[2]

Feeling nature's call James steps into the boys' restroom and as he's about to leave encounters Jack Pollock who's carrying a couple of cans of spray paint. "James B, my man. Care to join me for a little interior decorating session?"

"Why yes Jack. I have been feeling the need to express myself artistically of late. Do you have any magenta?"[3]

After "decorating" the bathroom Jack and James check the hallway and then dash from the building.

James decides to visit his buddy, Deke, on the other side of town so he hops on a city bus and rides to Deke's neighborhood. James gets a little bored on the bus and so pulls our his trusty Swiss Army knife and proceeds to secretly carve up his bus seat.[4] He gets off the bus and walks the two blocks to Deke's house, passing a couple of parked cars along the way.[5]

When he opens the door Deke seems glad to see him. "Well Deke, what have you been up to lately? I haven't seen you in a while."

"James, my friend, you are looking at a future millionaire. A couple of my cousins have set me up with a little 'snow dealership' here. There is more demand for cocaine in this town than I ever imagined. Did you see the Porsche out front? All mine and paid for with cash."

"Whoa Deke. Isn't this a little risky?"

"No man, couldn't be safer. My suppliers are my cousins, Tom and Jerry. They're family. Everything's cool."[6]

The phone rings and Deke answers. "Tom, where are you? Bogata? No wonder you sound so far away. O.K. Tonight? Winslow Dairy. 9:30. Got it. Have a good flight."[7]

Deke hangs up and asks James, "Want to ride in my Porsche?"

"Yeah!"

They hop in Deke's car and speed through the night toward Winslow's Dairy.[8] On the way Deke uses his cellular phone to call his cousin Jerry and to tell him Tom was in Bogata and everything was fine.[9]

It was pitch dark at the dairy. James stayed in the car while Deke got out and exchanged briefcases with a man in a black Jaguar.[10] Deke got back in the car and drove to his girlfriend's apartment. He invited James to join him inside.

"Cindy, I need to leave my briefcase here tonight. Do you mind?"

"No problem."

"James, how would you like to make a quick hundred bucks? I just need a little package delivered to your neighborhood tomorrow. Can you help me out?"

"That's it? For a hundred bucks? You're on!"[11]

The next day James is grounded by his mother for lying to her, pounded to a pulp by Rocky Rhodes, suspended from school for vandalism, fined by the transit authority for defacing public property, and arrested by the police for drug dealing. "How did they all know?" he wondered.

All of the devices described on the next page exist and are used legally and illegally today.

PART TWO

1. James' mother works in a personnel office that uses police stress monitors on their phones. This enables them to tell if people they're interviewing by phone are telling the truth or not. She knew that James was lying to her about the history project from the readout on her monitor.

2. Nerdlich was carrying a miniature tape recorder attached to a tiny microphone concealed beneath his wrist watch. He played the conversation back for Rocky who was not pleased.

3. Sound waves make minute vibrations on the surface of water. The principal installed a microphone in the air vent pipes leading up from the toilets to the roof. As the boys talked about their scheme their voices vibrated the surface of the toilet water and the sound waves were carried up the pipe to the microphone where the principal was able to get the goods on them.

4. The bus company had been having trouble with vandalism so placed a hidden video camera the size of a magic marker on the bus James happened to be riding. His actions were duly recorded.

5. Since the police were suspicious of Deke they had his house staked out. One of the parked cars James walked by had a fiber optic TV camera that looked just like a car antenna. The "antenna" rotated to record James walking down the street and entering Deke's house. An officer inside the car watched the scene on a small monitor. The monitor and tape deck both fit inside his briefcase in the front seat.

6. The police heard everything Deke said with the help of an "Infinity Bug" on his phone. With the bug in place the police could call his house at any time from anywhere in the country and send an electronic message through his phone line. His phone would not ring but would become a transmitter allowing them to hear everything going on in the room.

7. Almost all international calls are transmitted by satellite now. With sophisticated equipment it is possible to intercept those calls using a satellite dish. The authorities heard the entire conversation between Tom and Deke.

8. The F.B.I. has a plane called the "Night Stalker" carrying infrared equipment allowing it to track cars and boats at night. It had no trouble tracking the boys to Winslow's dairy.

9. Cellular phone calls can be monitored with scanners. Radio Shack sells them for about 400 dollars. Listening to the conversation between Deke and Jerry was simple.

10. Night vision goggles are available that can multiply light 40,000 times. A policewoman had the dairy staked out and was able to clearly observe the exchange of briefcases even though it was pitch dark.

11. The police had Cindy's apartment under surveillance but did not have the opportunity to plant a bug. So they trained a laser beam on her living room window. The voices inside caused the window pane to vibrate slightly which allowed the police to reconstruct their conversation. James was already on his way to jail.

TREATIES WITH NON-SOVEREIGN NATIONS, AND HOW THE THREE BRANCHES OF GOVERNMENT DEAL WITH THE ISSUE

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INTRODUCTION

This lesson will show the interaction of all three branches of government as they have dealt and are dealing with the ownership of federal land in our area. It will also consider the problems of existing treaties with a group that is no longer sovereign. Students will gain a knowledge of pressure group techniques. Students will also understand the actions of the three branches of government in treaties, their functions as outlined by the Constitution, and the meaning of the word *sovereignty*.

RATIONALE

All of us deal with at least one issue that is a totally emotional issue directly related to government action. Our response is a gut reaction, ranging from "the other side is wrong", or "the government cannot do this", to "it wouldn't happen". The controversy generated by the possible return of 1.3 million federal acres making up the Black Hills of South Dakota is such an issue, particularly for those of us in South Dakota. This lesson combines in a practical sense all of the Constitutional, political, media, and politicized components that need to be considered on any controversial issue.

AUDIENCE

This lesson is appropriate for twelfth grade students.

TIME TO COMPLETE

Four to seven class periods.

GOALS

As a result of this lesson, students will:

- understand the historical background of, contemporary status of, and future outlook for land possession in the Black Hills;
- compare, evaluate, and contrast the various issues raised by the knowledge developed in goal one;
- decide and substantiate a personal viewpoint after study, and express that viewpoint to a decision maker in government.

MATERIALS

1. Senate Bill 705 (1987-88) sponsor Bill Bradley, N.J.
2. Ft. Laramie Treaty of 1868
3. Sioux Treaty of 1876
4. U.S. v. Sioux Nation of Indians, U.S. 371, (1980)
5. Names and addresses of all U.S. Senators
6. Paper for letters
7. Copies of handouts

PROCEDURE

1. Use 'human bingo' game to introduce activity (Handout #1). Give a copy of the bingo score form to each student. Instructions to play:
   a. The person who receives the most correct answers from other students will win.
   b. Only one answer per student.
   c. For each answer given to a student, that student must give an answer. Exchange of

one answer to one answer.

d. Each student initials their answer on their fellow student's score sheet.

e. The student does not answer any questions on his/her own score sheet (Original concept — Kathryn Weathersby).

2. Information sharing and exchange. I collected all the articles I could find from magazines, newspapers and other sources. For this activity I used several primary sources (treaties, Congressional bills, court decisions) plus political columns, editorials and articles in newspapers and magazines. The students may select or are given all different sources of information. Long articles were divided up among a couple of students. I also combined short articles into one packet. After reading the articles, the students each had to give an oral report to two or three of their fellow classmates. The report gave a detailed summary of information to the listeners. The listeners evaluated the presenter (Handout #2, Original Concept — Al Koesters).

3. Lecture on how treaties are formed and review the concept of sovereignty.

   a. Define sovereignty — The definition of sovereignty is a key issue in treaties. Sovereignty is the ability of a nation to have independent power within the territorial boundaries of that nation. No one OUTSIDE those boundaries would have authority over people WITHIN the boundaries. Examples of sovereign nations are the U.S., Great Britain, USSR. Examples of non-sovereign states are S.D., Mass., Colo. and the other 47 states of the U.S. They are not sovereign because under article 6 section 2 of the U.S. Constitution — the U.S. Constitution, the laws of the U.S. and the treaties made by the U.S. are the supreme law of the land thereby leaving states not sovereign. One of the questions in this issue is the current sovereignty of Indian tribes. Are they sovereign or not?

   b. Define a treaty.

   c. Explain the roles of the President, Congress and the Courts in treaty making.

   d. List contemporary examples of treaties.

   e. Why are there treaties' between sovereign states.

   f. What are treaties' positions in our Constitution?

4. Class discussion: applying the information learned in small groups to treaties and sovereignty. Questions for class to discuss:

   a. Why were the treaties of 1868 and 1876 entered into?

   b. Who were the two sovereign nations involved?

   c. Has anything changed in that sovereign status? If so, what and how?

   d. Does that, or should that have an effect on the treaties?

5. What precedents have been established in the past with Indian lands being returned?

   Issues involved:

   a. What values are involved, are they different from legal issues and why?

   b. Legal issues to consider:
      water rights;
      mineral rights;

   c. Local governing powers — county, city, school, fire district, water district;

   d. Tax base;

   e. Hunting and fishing rights;

   f. Timber rights;

   g. Private property rights;

   h. Religious access;

   i. Money compensation vs. ownership of land.

   Values to consider:
      Differing cultures;
      Honoring past agreements;
      What is public?

6. Students share answers. These are challenged and defended by students to avoid simple answers to this issue, as well as to force students to see the other points of view on the Black Hills issue. Students will also understand how the political system is going to influence the outcome of the issue.

7. As the class looks for solutions to the problem and how to implement those solutions, continue to force students to anticipate arguments against those solutions. What are the pros and cons of each issue? How will the government look at those solutions? How will the media represent each side of the solution? Can it be manipulated to influence the actions of the three branches of government?

DEBRIEFING QUESTIONS

1. What impact does the politicizing of this issue have on Congress' actions?
2. Prioritize the solutions and select the solution that is the best for each group.
3. Find a possible solution compatible for all groups.
4. Why does the change in sovereignty make the Black Hills issue so difficult?
5. What other treaties are we involved in where this same loss of sovereignty becomes an issue?
6. What is the impact of a Supreme Court decision versus a bill passed through Congress and signed by the President?

7. What precedents could be continued by the passage of a bill that reactivates an earlier treaty with the native Americans?

EVALUATION

Students evaluate oral presentations in the information and exchange segments of the lesson. This exercise furthers their ability to judge information and presentation techniques for propaganda.

Each student will write a letter to a U.S. Senator expressing his/her opinion on this issue. They may recommend solutions or raise questions on Senate Bill 705. A positive advantage to consider is that the student asks for a written reply from whomever they contact. This brings two-way communication with elected officials. Evaluation will be based on the logical support of the student's opinion.

TIPS FOR THE TEACHER

Try using a simulation technique for the discussion of solutions with different groups of students being the tribes, each interest group in the white community, the various factions in the Department of Interior involved in the issue, and Congress and the President. The teacher must play the devil's advocate on this issue especially because 90% of the students felt one way—against. Work with the English department so that the letter can be used for a grade in two classes—English and Government. Style and grammar may be perfected in English, and content graded in Government.

BIBLIOGRAPHY

Senate Bill 705 U.S. Senate sponsor Bill Bradley 448 U.S. 371, (1980).

"Round 2 in the Indian Wars Rages in Courts," *U.S. News and World Report*, October 25, 1982, p. 63-64.

"A New Band of Tribal Tycoons," *Time*, March 16, 1987, p. 58-59.

"Native American Women Win Historic Land Rights Case," *Ms*, December 1983, p. 17.

Institute for the Development of Indian Law, 927 15th St. NW, Washington, D.C. 20245. The following booklets are available:

1. *Chronological List of Treaties and Agreements made by Indian Tribes with the* United States, 1973.
2. *The Federal Indian Trust Relationship*, 1979.
3. *Indian Sovereignty*, 1977.
4. *Indian Treaties*, 1980.
5. Indians and the U.S. Government, 1977.
6. *Old Problems — Present Issues*, 1979.
7. *Treaties and Agreements of the Sioux Nation*, 1974.

Native American Rights Foundation, 1506 Broadway, Boulder, CO 80303.

Ms. Charlotte Black Elk, Box 19, Manderson, SD 57756.

William Means, Box 108, Rosebud, SD, 57570.

Dr. David Miller, 830 State Street, Spearfish, SD 57717.

HANDOUT #1

BINGO SCORE FORM

Who formulates treaties?	What is the number of reservations in S.D.?	Can you speak Lakota?	Who ratifies treaties?	Have you ever eaten fry bread?
Have you seen the movie - *A Man Called Horse?*	What does sovereign mean?	What is the amount of land given to the Sioux nation by proposed legislation?	List the court that has jurisdiction over non-Native Americans on reservations.	Have you read "Boots and Saddles?"
The date of the treaty that the Supreme Ct. found unconstitutional.	Have you read *Custer Died for Your Sins?*	Name the poorest county in the U.S.?	Who has control of hunting and fishing licenses on reservations?	What is the suicide rate among Native Americans?
Do Native Americans have to live on the reservations?	What is the name of the group formed to oppose legislation giving the Hills back?	Which Native American tribe owns part of Bear Butte?	What is the date of the Ft. Laramie Treaty?	What is the more common name for S.B. 705?
What is the name of the Californian just made a Sioux chief?	How much money did the Supreme Court award the Sioux nation for the taking of the Black Hills?	Besides land, what other RIGHTS are involved in proposed legislation in the Senate?	What are two types of federal lands involved in S.B. 705?	What government entity owns Bear Butte?

HANDOUT #2

Name of Presenter _____

Title of Article _____

Where is the article from _____
Editorial Political Opinion Article Primary Source Information Learned from presentation

Points for Information
Out of 15 _____

Evaluation of Presentation Techniques:
Clarity

Explanation

Use of pictures, maps, charts if appropriate

Answers for questions if necessary

Points for presentation
Out of 5 _____

Total points _____

Grade _____

Name of Evaluator _____

HANDOUT #3

Who will make the decision?
What groups of people are affected and how?
Legal Issues
Define the issue
Values
Effects of each solution
Solutions
How to implement the solutions?

IT ISN'T FAIR! OR IS IT?

Linda L. Ingram

Horizon Middle School
Aurora, Colorado

INTRODUCTION

It is very important that students develop an awareness of their own rights, and the importance of those rights.

The following lessons are designed as interactive lessons to help students explore their rights and responsibilities concerning privacy issues. The format can be easily adapted to involve more than just privacy issues with the addition of other rights identified by the instructor and added to the lesson.

The lessons are designed to be used with a legal resource person. A judge, attorney or police officer would be a valuable asset for the debriefing of Lesson 2 and Lesson 3. The lessons consist of introductions, student activities, discussion and debriefing by the instructor or resource person.

AUDIENCE

The lesson is designed for the middle school/ junior high level students.

TIME TO COMPLETE

The lesson will take approximately four to five class periods.

GOALS

As a result of this lesson, students will:

- identify their personal privacy rights as well as limitations and responsibilities as citizens;
- draw conclusions concerning privacy issues;
- be accountable for knowing what their privacy rights are, the origin of those rights, and the limitations of those rights.

MATERIALS

Lesson handouts one, two, and three.

PROCEDURE, PART ONE

Lesson One

1. Instruct the students that you will be looking at the rights and responsibilities of citizens in our society. Distribute Lesson One and review the instructions.
2. Have the students complete a list of their rights and responsibilities in class and assign the parent survey as homework. Allow two or three evenings to collect that information.
3. Lesson One will be a culminating activity for discussion after Lessons Two and Three.

PROCEDURE, PART TWO

Lesson Two

1. Place the students in heterogeneous groups of four or five with a minimum of three students per group. Distribute lesson two and review the instructions with the class.
2. In their groups, students should reach a consensus on the answers to the True-False questions.
3. Discuss the answers to the True-False questions once the students have completed their group work. A resource person with knowledge of Constitutional law is invaluable in answering the variety of questions that will arise from the lesson.
4. Have the students develop a vocabulary list of the words and terms you feel are important to their understanding of the lessons.
5. Distribute copies of the Fourth Amendment and discuss its meaning.

PROCEDURE, PART THREE

Lesson Three

1. Begin Lesson Three by discussing the issues and concepts that were raised in Lesson Two.

2. Divide students into heterogeneous groups and distribute Lesson Three, reviewing the instructions with the class.
3. Have the students read over Lesson Three and answer the questions in their groups.
4. Instruct each group to develop their own scenario regarding a privacy issue. Upon completion of their group scenario they should exchange their scenario with another group. Have each group review the new scenario they received and write a decision regarding the issues involved in the scenario. Have each group present their scenario and the decision they reached.
5. Discuss and debrief their "Decisions."
6. **Debriefing:** As a culminating activity, have the students bring in Lesson One. Have the students share some of their lists of rights and responsibilities for themselves and their parents. Discuss the similarities and differences.

   Suggested comparisons of adult and student privacy issues:

   a. Mandatory drug testing in the workplace
   b. Security situations — Nuclear Power Plants, U.S. Mint, Defense Plant, or other places of work where security is an issue. Is there a personal right to privacy versus being searched upon entry and exit?
   c. Reasonable Expectation of Privacy — What is it and when do you give it up at school or at work?
   d. Compare the student responsibilities and parent responsibilities. Increased rights almost always bring increased responsibilities.

EVALUATION

Some suggested methods for evaluation include:

- Matching vocabulary quiz
- Essay questions
- Instructor generated exam
- Participation in class discussion
- Participation in group work
- Completion of homework assignment

TIP FOR THE TEACHER

It is important that you have a good resource person to help clarify the issues of Constitutionality.

HANDOUT #1

KIDS VERSUS ADULTS

Lesson One

Your first job is to write a list of all of the rights and responsibilities that you feel you have. Under the columns below write down all of the rights and responsibilities you can think of. Your next job is to go home and interview your parent or parents and write down all of the rights and responsibilities that they have. You may use the back of this paper and use additional sheets if necessary.

RIGHTS	RESPONSIBILITIES

HANDOUT #2

Lesson Two

WASN'T IT GREAT TO BELIEVE IN SANTA CLAUS!

Remember when the tooth fairy delivered money under your pillow and the Easter bunny hid your eggs? Santa Claus was the best of all. He was magic. Wasn't it amazing how he knew what you wanted for Christmas! Boy, were those the good old days. Your parents went to a lot of trouble to keep the magic and surprise alive.

It is interesting that most of us go to a lot of trouble to keep our little brothers and sisters from finding out. Just like our parents, we want to protect them and let them believe as long as they can.

Adults spend a lot of time trying to protect kids from the real world. They do it because some "real" things are pretty ugly. We all understand why we protect little kids but sometimes kids your age don't want adults around telling you what to do and how to do it. The problem for adults is trying to decide when you really are ready to handle it all on your own.

Kids can't do everything they want, anytime they want, but they do have rights. Those rights are different than adult rights in some instances. Along with your rights go responsibilities. Kids' rights are important. What do you know about them? Take this little quiz. If you aren't sure, you will be when we finish learning about your rights.

INSTRUCTIONS: In your groups, answer the following questions True or False.

_____ Your math teacher can under no circumstances search a girl's purse without her permission.

_____ Your parents can give the police permission to search your room at home when you are not there.

_____ Your school assistant principal cannot search your school locker without your permission.

_____ Your parents may listen in on your phone conversation on the extension phone without your permission.

_____ You and your buddies are out cruising. A police officer stops you and searches your car. The officer has no right to search your car.

Lesson Three

DECISIONS! DECISIONS! DECISIONS!

In your group, please read the following scenario and answer the questions. When you have accomplished that, write a scenario of your own and pass it to another group and let them be the judge. Your scenario should involve a search and seizure. It might be parents searching their child's room, the police searching a teenager's car, school officials searching a student, or a student searching another student's property. Use your imagination!

Ms. McGruff, the assistant principal at Sweetwater Middle School heard from a reliable source that Betty Lee, a student, had illegal drugs in her purse. Ms. McGruff called Betty to the office. In front of the school nurse and Betty, Ms. McGruff searched Betty's purse. Ms. McGruff found illegal drugs in the purse and called the police.

1. Do you think that the search was legal? Why or why not?

2. Do you think that the drugs should be used as evidence in court? Why or why not?

Now write your scenario.

CULTURAL LENSES: Changing Notions of American Equality Under Law

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INTRODUCTION

This lesson is one of a unit of four designed to help students become aware of the elasticity of the U.S. Constitution, specifically regarding the issue of equality. While reviewing recent Supreme Court decisions relating to the First, Fourth, Fifth, and/or Fourteenth Amendment rights of school pupils in the United States, students are afforded the opportunity to simulate or "act out" events in other schools which have resulted in precedent-setting jurisprudence. The lesson culminates with each student developing an editorial opinion (expressed through a written essay) in which they set forth their personal views. A reasonable familiarity with the "Founding Documents", the Declaration of Independence, The U.S. Constitution, The Bill of Rights, and an understanding of the amendment process are necessary to complete the exercise.

RATIONALE

The period between the recent Bicentennial of the U.S. Constitution and the upcoming anniversary of the Bill of Rights represents a unique opportunity for teachers of middle school students to address the issues of equality in America. Students at the middle school level are ready to begin to understand the degree to which prejudice, discrimination, and bias, manifested in and by cultural norms throughout various periods of the American past, have permeated society, and continue to do so. By examining changing views of equality toward students, women, and ethnic minorities, the young people can discover the degree to which "equalness," as reflected by laws, rights, and responsibilities, is subject to changing definitions.

AUDIENCE

This lesson is appropriate for middle school students, taking U.S. history, government or civics courses, in grades eight through twelve.

TIME TO COMPLETE

Two or three class periods per lesson

GOALS

As a result of this lesson, students will:

- evaluate the degree to which views of equality towards students have changed in American society, and the role played by the Constitutional amendments and Supreme Court rulings;
- assess the degree to which student rights, as an aspect of society and culture, have been affected in the last two decades by changing legal interpretations of equality;
- formulate (and set forth in writing) an opinion about the present state of students rights as influenced by a recent Supreme Court ruling.

MATERIALS

1. Primary source texts or handouts including:
   a. Declaration of Independence
   b. Constitution of the United States
   c. Bill of Rights
   d. 14th Amendment to the U.S. Constitution
2. Case summary handouts:
   a. *Tinker v. Des Moines Independent Community School District* (1969)
   b. *T.L.O. v. New Jersey* (1985)
   c. *Bethel School District #403 v. Fraser* (1986)
   d. *Hazelwood School District v. Kuhlmeier* (1988)
3. Props, costumes, additional materials for the presentations, as needed.

PROCEDURE

1. Lead students through reading of the introductory passages of the Declaration of Independence. Discuss Jefferson's references to "self-evident truths" and "unalienable rights" by asking the students: "Were all men really created equal, according to Eighteenth Century American society? Were some more equal than others? What degree of equalness was enjoyed by persons of color? those lacking property? females? and all those under twenty-one? How far into the American society did the notion of liberty really extend?
2. Have students read the Preamble of the U.S. Constitution. Based on the discussion above, ask: "Who were 'We the People' in 1787? And, who are 'they' now? In what manner has the legal definition of equality changed over time? How are such alterations effected?" At this point, students should be reminded about the process of amending the Constitution, and led into an examination of the Bill of Rights as well as the Fourteenth Amendment. The teacher should place particular emphasis on selected passages of the First, Fourth, Fifth and Fourteenth Amendments.
3. Ask the students to consider the following questions, "yes" or "no": (a) Are you allowed to wear ribbons, buttons, tee-shirts, or other such materials expressing your personal outlook and views to school, as long as you don't cause a disturbance? [yes] (b) Can school officials legally search your purse, backpack, or locker anytime they believe it proper? [yes] (c) Does the principal at your school have the right to prohibit either what you may say in a school speech and/or what you may write in a school publication? [yes] Discuss the correct responses with the students and ask them to point out any apparent inconsistencies between what was covered in steps one and two and what they have just learned.
4. Divide students into four groups of equal number and assign each group one of the case summaries to read. Allow them sufficient time to assimilate the facts and assign the various roles; then have them "act out" the events of the case for their classmates. Begin with *Tinker v. Des Moines*, and have the cases presented in chronological sequence. Have each student write a brief summary of the facts presented in the four role play presentations, with alternating students attempting to present each side of the arguments.
5. Have the students read the case summary of *Tinker v. Des Moines* (1969), and detail how the Supreme Court's interpretation of the Constitution (and the Bill of Rights) affected the decision set forth. Ask: "What influence, if any, did the students' age have on the Court's reasoning?"
6. Next, have the class study the synopsis of the case of *T.L.O. v. New Jersey* (1985) and discover areas of contrast and comparison between the two cases. Examine the case of *Bethel v. Fraser* (1986) in the same manner. Ask: "What apparent trends have developed in jurisprudence with regard to the constitutional rights of school children in the past few years? What seems to be the new standard by which decisions are made?"
7. Have students read the case summary of *Hazelwood School District v. Kuhlmeier* (1988) and decide how the Court's decision relates to those studied above. Ask: "What seems to be the present state of the Constitutional rights of students? Where does the guarantee of equality reside during the school day? According to the Court, who has the power to determine the liberty of students?"
8. Have students draft an editorial essay in response to the following: "Should students be able to write and publish articles that are controversial, dealing with topics that may be offensive to some? Or are school interests, protecting students from exposure to sensitive issues, substantial enough to justify infringing on the rights of students?"
9. **Debriefing**
   a. Summarize the perceptions of equality and liberty during the times in which the Declaration of Independence and the U.S. Constitution were written, and evaluate the importance of the Bill of Rights in these notions.
   b. Analyze the role of the Supreme Court in guaranteeing the rights of Americans, and use the decision in *Tinker v. Des Moines* to illustrate the process with regard to the rights of students.
   c. Synthesize the Court's decisions in *T.L.O. v. New Jersey, Bethel v. Fraser, Hazelwood v. Kuhlmeier* to assess the changing notions of equality with regard to students.

EVALUATION

The final product of the lesson, the editorial essay, is the best measure of student understanding and achievement. Spontaneous short-answer assign-

ments, quizzes, and oral questioning/discussion techniques may also be utilized.

TIPS FOR THE TEACHER

This lesson was developed in response to the topic of this year's American Civil Liberties Union (ACLU) editorial contest for eighth and eleventh grade students, and two of my eighth graders were selected the winners from San Diego County. Aside from substantial cash awards, the students had the pleasure of seeing their work published in local newspapers. For teachers who intend to address these topics, the article by Lowell Rose in *Kappan* (April 1988) provides excellent background.

BIBLIOGRAPHY

Rose, Lowell C. "'Reasonableness' — The High Court's New Standard for Cases Involving Student Rights." *Phi Delta Kappan* 69 (April 1988): 589-92.

Shapiro, Martin, and Rocco J. Tresolini. *American Constitutional Law*. 5th ed. New York: MacMillan Publishing Co., 1979.

Sneed, Don. "A Vote For Censoring High School Newspapers." *Thrust* 17 (April 1988): 29.

Cases Cited in the Lesson

Tinker v. Des Moines Independent Community School District (1969)

T.L.O. v. New Jersey (1985)

Bethel School District #403 v. Fraser (1986)

Hazelwood School District v. Kuhlmeier (1988)

DEALING WITH STUDENT PEER ABUSE — (Student Harassment)

Evelyn Richman

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INTRODUCTION

Students can easily identify with the topic of peer abuse. This topic is an effective hook for the use of primary and secondary research skills, thinking skills, oral mastery, group and individual work. Student peer abuse is also useful as the tool for informing our students of the legal methods the public and special interest groups can apply to affect our laws.

RATIONALE

Education becomes meaningful when students realize that there is a connection between what they learn in school and what happens in the real world. This unit enables our students to discuss and role play a real problem in a controlled setting. It allows them to search for answers while examining our legal system for possible remedies. One of the purposes of law is to keep peace and protect society from harm. Student Peer Abuse is a valid topic in any course that studies American Law or American Government.

AUDIENCE

This unit is designed for use by middle and high school students, from the seventh to the twelfth grade.

TIME TO COMPLETE

Allow twelve classroom periods to complete the entire unit. It is possible to teach just the first component in six periods.

GOALS

As a result of this unit, students will:

- acquire an understanding of peer abuse, of mediation techniques, of how a government hearing or civil court case is conducted, and how to legally sensitize government and public awareness towards a specific issue;
- be able to evaluate which and when student abuse situations need to be referred to adult authorities or peer group mediation;
- be able to practice devising solutions for both hypothetical and real peer abuse situations;
- understand the connection between values and actions and the need for ongoing reforms within our governments (local, state, and federal) by their legislative, judicial, and administrative branches.

MATERIALS

1. Three student handouts are attached to this unit. They should be duplicated for each student.
2. Students should have a notebook to keep a journal, a log, or a diary. This notebook can also be used to write an outline for their role plays.
3. Access to a library for assigned reports.
4. Oaktag, markers, pencils, and rulers for posters.
5. Simple props and rearrangement of the classroom would add to the simulation of a courtroom, a hearing, or a role play. For example, chairs could be rearranged to resemble a jury box, the teacher's desk could become the judge's desk, a choir robe could substitute for a judge's robe; and the front of the room could be cleared to become a stage.

PROCEDURE, PART ONE

Component 1 — What can students do concerning Student Peer Abuse?

1. **Period One:** Use the first day to introduce the topic, Student Peer Abuse, by distributing "Student Confidential Activity Sheet 1" for comple

tion. Ask for volunteers to share their answers with the class. Encourage other points of view. Ask, "Does anyone have a different answer? Would anyone handle that situation differently?" Encourage students to respond to other students' comments. Use brainstorming and brainwriting techniques to show that different students could approach the same situation in different ways and that several options exist.

2. **Period Two:** Explain the project assignment, giving students several options to choose from. Some suggestions include writing a diary, a log, a short story, a poem, either fictional or fact (with the names changed), writing a TV advertisement, or doing secondary research for a report on some form of abuse. Besides student peer abuse, other choices could be child abuse, abuse of the elderly, abuse of the homeless, husband or wife battering, animal cruelty, or sexual abuse. Students could also do posters or visual advertisements on the topic of preventing abuse or promoting the use of mediation.
3. **Period Three:** Students read and discuss the second student handout entitled "Bullies."
4. **Period Four:** Students read and discuss the third student handout on "Ground Rules for Mediation and Mediators." Explain that mediation is one of the experimental methods in some schools in Hawaii, Cleveland, and New York City, in order to deal with the problems of student peer abuse. Also add that mediation training is usually very extensive, from six to twenty-five sessions. If students are willing, try the technique with three mediators chosen from the class, and a minor student incident. Otherwise role play an imaginary incident. For example, student A tells the Dean that he was walking down the hall, and student B pushed him. A third student says "Student B hit you again and you are not doing anything about it." Student A decides to try mediation, after speaking to the Dean. Afterwards discuss whether this method should be tried in your school. How would it be helpful for the aggressive student? How would it help the victim?
5. **Period Five:** Role play verbal Student Peer Abuse situations. Divide the class into four groups. Have each group prepare and act out a skit. Request that they do not play themselves. Set a time limit on the skit. Ask that they try to create a problem and a solution.
6. **Period Six:** Students act out their skits. The skits and solutions are then discussed by the class. Group performances should be rated.

PROCEDURE, PART TWO

Component II: What could our society and our governments (local, state, and federal) do about Student Peer Abuse?

1. **Period Seven:** Use a web format on the blackboard and brainstorm to answer the following question: How could a group of people get society and government to realize that a problem exists and to try to find remedies for it? Use as an example, MADD (Mothers Against Drunk Driving). Some suggestions to be listed in the web should include petitions, forming an organization, making speeches, writing letters, lobbying, organizing marches, meetings, fund raising, getting press and TV coverage, hiring professional lobbyists, bringing a test case into court, and speaking at government hearings.

PROCEDURE, PART THREE

Periods Eight to Twelve: Working in small groups, have students prepare to enact one of the three simulations described as follows.

1. **Simulation One — Local Government Agencies**
   An open school board meeting, at which the item on the agenda to be discussed is whether or not to allot $30,000.00 per school to pay for peer mediation training for three teachers and eight students in each school. Principals, school psychologists, deans, teachers, and parents should testify. Some should give arguments for and some against mediation training. The board should ask questions, and then vote.
2. **Simulation Two — State Government — The Legislative Branch**
   The State Senate's Committee on Education is holding an open hearing to allow interested citizens to share their experiences with peer abuse and their suggestions for ending student peer abuse. Those testifying will be expected to come up with specific proposals. Students could take the part of a teacher union spokesperson, a student victim, a Parent Teacher Association spokesperson, psychologist(s), a spokesperson for the Principals' Association, and a newspaper reporter.
3. **Simulation Three — Federal District Test Court Case — The Judicial System**
   This mock case concerns a student who was

badly injured in the school cafeteria by another student. Parents of the victim had been in touch with the school authorities for two years concerning continuous harassment of their child. The parents are suing the school board and the responsible student for damages incurred at the school building. In addition, the injured student alleges that school officials were negligent in their supervision of students and that had school officials been cautious such injury would never have occurred.

4. **Debriefing**

Students should discuss how they want the problem of student peer abuse handled in their school. What recommendations would they want to make to the student government, their principal, and the School Improvement Committee? Students could evaluate their role playing and simulations. What worked well? What needed improvement or clarification? Why?

EVALUATION

Student achievement could be measured by the student project evaluation, and by student role playing and simulation preparation and presentations. Teacher observations, and student essays written to promote student proposals could be used. A criterion reference test could be devised from the student handouts and discussion which would measure the effectiveness of arbitration.

TIPS FOR THE TEACHER

- Do not have students enact any form of physical harassment, for there could be a danger of a student getting hurt.
- Students seem more motivated if they know that they will receive a grade for role playing. Grades are discussed during debriefing and student input is encouraged.
- Students should be given class time to plan their simulation or role plays. Planning and practicing improves the final production.

BIBLIOGRAPHY

Edmondson, Daisy. "Bullies." *Parents Magazine*, April 1988, p. 100-110.

Resolving Conflict Creatively, grades K thru 6th, NYC Board of Education and School District 15, 1987.

Davis, Albie and Kit Porter. *Tales of Schoolyard Mediation*. Law Related Education, American Bar Association, Winter 1985, p. 20-28.

Mirga, Tom. "High Court To Rule On Liability In Abuse Cases," *Education Week*, Washington, D.C. (March 30, 1988), p. 11-16.

Project Smart, A School Based Mediation Program—Summary. Victim Services Agency, NY. September 1987.

Miller, Alisha. *Using Mediation and Conflict Management*. The Law and Public Service Magnet High School, Cleveland, Ohio, 1987.

HANDOUT #1

CONFIDENTIAL STUDENT ACTIVITY SHEET

Please answer the following questions honestly. The purpose of these questions is to get you to think about peer abuse.

1. How would you define abuse?
   How do mental and physical abuse differ?
2. Who are your peers?
3. What do you think causes peer abuse?
4. How do most of your peers handle abuse from others who are their age?
5. Are you satisfied with the way you handle peer abuse? Why or why not?
6. Are you satisfied with the way other people handle peer abuse? a) adults b) fellow students
   Why or why not?
7. Would you like to learn about how to solve peer problems peacefully? Why or why not?
8. Everyone here has had some exposure to peer abuse situation as the abuser, the victim, or as a bystander. Please fill in the chart.

The Problem	I have this problem often, sometimes, never	What I think I would do
1. A student does something that annoys me.		
2. A student takes something of mine and won't give it back.		
3. A student calls me or my family member a name.		
4. A student makes fun of me in front of others.		
5. A student blames me for something I didn't do.		
6. I'm told another student is spreading stories about me.		
7. A student threatens me.		

HANDOUT #2

SECONDARY SOURCE - A CONDENSED, PARAPHRASED ARTICLE

"Bullies" by Daisy Edmonson
Parents Magazine, April 1988

Today psychologists have begun to recognize the seriousness of bully/victim problems. A study in Norway and Sweden stated that fifteen percent of all school children are involved. Around nine percent become victims and seven percent become bullies. David Perry, a psychologist at Florida Atlantic University is studying this problem in the U.S. and expects to get similar results. This would mean that some 4.8 million American children are involved. A 1983 study by the National Association of Secondary School Principals, found that one of the chief worries of students was being bullied in school.

A child who is a bully would be a child who is quickly angry and willing to use force. He or she shows a need to dominate others, uses violence and doesn't care about the feelings of those he bothers. Students who are bullies also tend to have greater than average strength. They are of average intelligence. However, they often do below average work in school and have few or no friends. Bullies are mostly boys and are usually older than their victims. Bullies are found in all ethnic (races, countries) groups and among people with all levels of income; the rich, the poor and those of the middle class.

These aggressive children usually are less accurate in figuring out what is really happening in a social situation. They see hostility where none exists. This is especially true if the aggressive youngster is anxious before the situation even takes place.

Aggressive behavior is mainly caused by the environment the youngster lives in. No one is born a bully. Learning plays a key role in the development of bullying behavior. A bully in school is often a victim at home. A bully's parents are likely to use harsh and usuallyu physical forms of punishment. Often the parents use angry, emotional words as well. Even if this child is not personally abused, he or she may see one of his parents abuse the other or another child in the family. The lesson this child learns from his environment is that might makes right. Lack of parental interest is another common feature of these families. Therefore these parents often do not try to teach other forms of behavior.

Too often schoolyard bullies do not outgrow their aggressiveness. Many of them become criminals. One study in Sweden showed that 60% had been convicted of a crime by age 24, and 40% of them were convicted of three or more crimes. Children who were bullies by age 8, were more likely to have dropped out of school. By age 30, they were more likely to be working at low skill, low status jobs and to have become abusive husbands, as well as uncaring, punitive fathers. Aggressive girls also tend to become parents who punished their children harshly. The bullies' children often turned out to be bullies themselves.

Studies have been made about the victims too. Victims are often shy, cautious, worried, and sensitive students who suffer from low esteem. These students tended to cry or flee when attacked. Usually they were physically weaker. Many of these students have parents who are overprotective. These parents encourage obedience and dependence rather than assertiveness and independence. These parents expect their children to do as they say, and not to think for themselves. Other victims of peer abuse are also victims of parental abuse and have just given up.

Surprisingly most victims do turn out well. They tend to be law abiding and few of them are ever arrested. But they often grow up to be socially insecure and anxious. Sadly, a few have committed suicide because of their social problems.

Whether the student is the bully of the victim, intervention by others makes sense, in fact the earlier in life, the better. Unfortunately, schools where most of the bully victim problems are played out, tend not to take an active role in helping resolve these situations. Help is needed to change the home environment as well.

It is important to make the aggressive child understand that bullying behavior is not permissible and will not be allowed. Some nonhostile, nonphysical form of punishment should be used. Another problem however is that usually the aggressive child believes that his/her behavior is justified. Therefore a discussion of what led up to the conflict - what the aggressive student was feeling and what he/she thought the other child was feeling, is very important. Often the situation needs to be reinterpreted with alternative explanations given for the other child's behavior. Other ways the aggressive child could have acted in the same situation should be mentioned.

The victim has to be encouraged to be more assertive but not to become aggressive. Hitting back doesn't work, in fact it escalates the conflict. The victim has to take a stand and learn to leave with dignity. The bully's real goal is to make his victim cry, cringe, and run away. One expert, Dr. Floyd, suggests that the victim should simply tell the bully to stop, and explain that the victim doesn't like what the bully is doing. Then the victim should walk away. This will decrease the victim's chances of being bullied in the future. Another expert, Dr. Dodge explains, "bullies are looking for passive acceptance, for tears. The child who doesn't respond that way is not likely to be chosen as a target again."

The victim needs to do role playing to help him/her figure out better ways of responding to the bully. The victim should also participate in some type of exercise program to build up his/her strength, so that he/she feels better, physically and mentally about him/herself.

HANDOUT #3

GROUND RULES FOR MEDIATION — Student Article #3

Mediation is a way to get people together to talk about their problems with each other. Mediators are also present. Their role is to help people discuss their problems, understand the other point of view, and aid both sides in determining a joint and non-violent solution.

The Mediation Process

1. The two disputants and the mediator(s) meet in a neutral environment.
2. Everyone introduces themselves.
3. Each person tells the mediator his/her side.
4. Each disputant tells each other how they feel.
5. An alternative search — each side thinks of ideas that would solve the problem.
6. An agreement is reached and signed highlighting solutions that would work and disregarding those that wouldn't.

Ground Rules for the Disputants

1. Do not interrupt another speaker.
2. Be courteous.
3. Write down your comments so that you can share them when it's time to tell your side of the story.
4. Understand that anything said is confidential.
5. Both sides must formulate an agreement which will be put in writing.

Ground Rules for the Mediator(s)

1. Focus on the problem. Determine the key issues.
2. Act as a factfinder.
3. Use words and phrases that are impartial and non-judgmental.
4. Be able to listen, ask what happened, ask how he or she feels about the situation, and repeat what is said using active listening skills.
5. Face the speaker, lean toward him/her, make eye contact, and ask open-ended questions.
6. Make certain that each disputant understands the other point of view.
7. Try to get each disputant to be realistic about possible solutions to his/her problems. Try for win/win solutions so everyone saves face.

ALTERNATIVES TO THE COURTROOM PROBLEM SOLVING THROUGH MEDIATION

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INTRODUCTION

This lesson is designed to familiarize students with other ways of resolving disputes besides the traditional method of "taking it to court" or adjudication. It has three parts:

- An explanation of mediation as an alternative dispute resolution process and how it differs from adjudication.
- A role play activity where students role play the parties in a mediation situation.
- A discussion of the strengths and weaknesses of mediation and adjudication, examples of which each process might best be used.

This lesson is most appropriate when students have some familiarity with the elements of a trial. It can be used in any mainstreamed civics, futures or law course.

RATIONALE

Alternative Dispute Resolution has been developing rapidly over the last ten years mostly in response to congested court calendars and the expense of litigation. It has been mandated through legislation and court reform projects as well as contractually through private party contracts or employment working agreements. Whatever the circumstance, students living in the twenty-first century will probably encounter mediation or arbitration techniques in resolving family, work or community conflicts.

AUDIENCE

This lesson is appropriate for ninth through twelfth grade students.

TIME TO COMPLETE

Approximately two one-hour sessions.

GOALS

As a result of this lesson students will:

- Identify key characteristics of mediation and compare and contrast these characteristics with adjudication;
- adapt a problem-solving strategy while role playing disputants and mediator in a mediation situation;
- describe the strengths and weaknesses of mediation and traditional adjudication. Students will note types of conflicts that can be handled more efficiently through these processes.

MATERIALS

1. Student Handout #1 with Conflict Resolution Diagram and chart outlining major features of mediation and adjudication (court litigation).
2. Student Handouts 2, 3, 4, and 5, summarizing mediation and the steps of a mediation session.
3. Role play Handouts with confidential information for students playing disputants and mediators.

PROCEDURE, PART ONE

1. **Introduction:** Alternative Dispute Resolution, (ADR) is used to describe the processes that people can use to help resolve conflicts rather than going to court. Two of the most common methods are called mediation and arbitration.

   Mediation is a voluntary process whereby two parties with differing viewpoints (disputants) create their own resolution under the guidance of an impartial or neutral mediator. The decision is binding only if the parties agree to make it so. Mediation is the process focused on in this lesson.

Arbitration is a more formal process in which the neutral third party listens to the evidence and arguments as presented by both parties, and then issues a binding decision. Arbitration may be mentioned for background purposes.

Both these methods are called "alternative" because they are different from the court trial process called adjudication. Adjudication is a more formal process because the parties are represented by lawyers who argue their cases before a judge or jury as the neutral third party. Formal rules determine what evidence is allowed as well as court procedure. The decision by a court of law is binding over the parties unless a higher court alters the decision as a result of an appeal. The parties must have a legal claim necessary for appeal to a higher court.

An underlying difference between adjudication and mediation is the overall objective of the parties. The goal of adjudication is to win — each party wants to achieve the outcome most favorable to their side. Usually there is a clear winner or loser. In mediation a problem-solving process is used. The objective of the process is to maximize the joint gain (or minimize the joint loss) of the parties — to split the largest possible pie between the parties.

2. **Discussion Activity on Alternative Methods**

   Student Handout #1, containing a dispute resolution diagram and characteristics of dispute resolution processes, should be given to each student.

   a. Start with the dispute resolution diagram. Ask the students if they have ever disagreed with a sibling over which television program to watch. What process is being used to help decide which program to watch (Negotiation)? If the two of you cannot agree, you might ask an older brother or sister to listen to the problem. This person may be good at suggesting different compromises that might help solve the problem. However, he or she may not force what they think is the right answer. They want the two of you to learn to work things out (Mediation).

      With no resolution, the problem only gets worse and now you and your sibling must present your case to a parent. Your parent sits back and listens to both sides carefully. Then he or she makes a decision that you are better off not contesting because it is "the law" (Arbitration).

      If the conflict has not been resolved by any of these first three methods, you may take your "case" to a stranger (judge or jury) who listens to your arguments presented by lawyers and will enter a decision for or against you. (Adjudication)

   b. Today we will focus on only one of these methods — mediation. First, let's read through the explanation of mediation on Student Handout #2.

      Now let's compare and contrast key characteristics of mediation with the process of court trials or adjudication. See Chart on Student Handout #1. You may want to leave the characteristics of adjudication blank so students can recall how a trial would differ from mediation.

3. **Role Play Activity**

   a. In order to understand more about mediation the class will be divided into groups of three, and each group will role play a mediation session.

   b. Explain the steps in a typical mediation session (Student Handout #2).

   c. Students should choose one of three parties to role play in a mediation situation. These roles are Mr./Mrs. Wilson, Dennis/Denice the Menace, or the mediator at the Neighborhood Justice Center.

      Distribute to each student the appropriate confidential instructions by cutting their section off the sheet. Allow five minutes for students to become familiar with the facts, and then allow groups of three to mediate the dispute. Fifteen to twenty minutes should be sufficient time.

PROCEDURE, PART TWO

1. **Debriefing**

   Ask each group to share with the class the terms of the agreement reached through mediation. Note the wide range of solutions and creative ways of solving the problem. How would a trial have resolved this case? Did the students feel the process was an efficient one? Why or why not?

2. **Discussion**

   Now that students have experienced a mediation, have them identify its strengths and weaknesses. The list can be compared and contrasted with a similar list for adjudication.

   List the following headings on the board:

Mediation	**Adjudication**
Strengths/Weaknesses	**Strengths/Weaknesses**

Questions:

- **What do you see as the strengths of mediation:**

Listen for: quicker process; cheaper; more efficient; more creative solutions; less of a traumatic impact on the parties; better chance of maintaining a workable relationship after the conflict is resolved.

- **What do you see as the weakness of mediation?**

Listen for: difficult where more than two parties are involved in the dispute; less effective with complex issues; a party that has less power may be taken advantage of by a stronger party; parties that need to vindicate their position may not be satisfied; since a resolution is only binding if the parties agree to make it so, there may not be a true resolution to the dispute.

- **What do you think are the strengths of adjudication?**

- Listen for: justice will be done when each party has their day in court; consistency of application of the law; orderly process for complex issues; balancing of power between two parties; vindication of a party's position; binding decision.

- **What do you think are the weaknesses of adjudication?**

Listen for: formal rules limiting evidence and remedies; narrow focus on conflict through the framing of issues; time and costs of litigation; emotional trauma to parties in testifying in court and being in an adversarial stance.

EVALUATION

Read through hypotheticals representing different types of conflict. Have students explain whether or not mediation or adjudication would be a better way to resolve the problem. Students should give reasons to support their choice. Brainstorm solutions that might be created if this problem were approached in a mediation session.

Hypotheticals

A. John Jones is shot in the arm by a person trying to burglarize his home.

B. Mr. and Mrs. Smith are getting a divorce. Mr. Smith wants custody of the children. Mrs. Smith strongly disagrees.

C. A car mechanic friend of Jane's went ahead and did $500 worth of work when Jane only authorized $200 of work to be done.

BIBLIOGRAPHY

Bloom Jennifer. "Conflict Resolution Wheel." Minnesota Center for Community Legal Education, Hamline Law School, St. Paul, MN.

Davis, Albie and Kit Porter. "Tales of Schoolyard Mediation." *Update*. Winter, 1985, p. 20.

Gordon, Vivian Einstein. *Conflict Resolution*. St. Paul: West Publishing Co., 1988.

McMahon, Edward T. *Street Law*, 3rd Edition. St. Paul: West Publishing Co., 1986.

Smith, Melinda. "Mediation and the Adversary Process/Grades 5-8; 9-12." *Update*. Winter, 1986, p. 19.

HANDOUT #1

ALTERNATIVE DISPUTE RESOLUTION

Negotiation
(2 people)

Mediation
(2 people + 3rd party
to help reach agreement)

Arbitration
(2 people + 3rd party who
resolves dispute, often binding)

Adjudication
(3rd party - judge or jury
hears facts and determines
guilt or innocence or
civil liability

COMPARISON OF DISPUTE RESOLUTION

	MEDIATION	ADJUDICATION
Parties Involvement	By agreement or contract	Voluntary as to Plaintiff; Involuntary as to Defendant
Type of Process	Usually informal and unstructured	Rigid formal procedures and rules of evidence apply
	Emphasis on relationship and attitudes of parties	Decision making is controlled by precedent (past case law) and consistency in applying the law
	Problem solving approach	Adversarial approach
	Private proceedings	Public process, matter of record unless sealed by court
Role of Third Party	Mediator is facilitator	Third party (judge or jury) is fact-finder and decision-maker
	Mediator suggests alternatives to parties	Parties (lawyers) present evidence and argument
End Result	Mutually acceptable agreement sought	Win/Lose result unless settled through negoiation
	Agreement written in a contract	Reasons given for decision in court order or published case
Effect of Decision	Recommendations of mediator are not binding	Court's decision binding but appealable

HANDOUT #2

WHAT IS MEDIATION

Mediation is a way to resolve problems between people. The people who are in conflict are called disputants and they have agreed to ask a third person or mediator to help them solve their problem. Most mediation is voluntary. In other words, the parties agree to mediate, they agree to the rules that will be followed during the mediation, and to the solution that is reached as a result of the mediation.

The mediator's role is to allow each party an opportunity to tell their side of the story, to identify the facts and issues that are in conflict and to suggest alternatives that would help solve the problem. As a facilitator, the mediator tries to surface underlying concerns and help the parties arrive at a solution to which both sides can agree. Sometimes a mediator may discuss the problem alone with a disputant in order to find out where they can agree. In that case the mediator brings the parties together to find common ground. Other times a mediator may ask the parties to reverse roles so they can better understand the other person's position.

It may take one meeting or several before a solution is reached that is acceptable to both parties. A mediator cannot force a decision over the parties. If the parties wish, they may write up their agreement in a contract that will be enforceable by law.

STEPS OF MEDIATION

STEP 1: INTRODUCTION

The mediator sets the parties at ease and explains the ground rules. The mediator's role is not to make a decision but to help the parties reach a mutual agreement. The mediator explains that he or she will not take sides.

STEP 2: TELLING THE STORY

Each party tells what happened. The person bringing the complaint tells his or her side of the story first. No interruptions are allowed. Then the other party explains his or her version of the facts.

STEP 3: IDENTIFYING FACTS AND ISSUES

The mediator attempts to identify agreed upon facts and issues. This is done by listening to each side, summarizing each party's views, and asking if these are the facts and issues as each party understands them.

STEP 4: IDENTIFYING ALTERNATIVE SOLUTIONS

Everyone thinks of possible solutions to the problem. The mediator makes a list and asks each party to explain his or her feelings about each possible solution. The advantages and disadvantages to each solution are discussed by the parties.

STEP 5: MODIFYING AND DISCUSSING SOLUTIONS

Based on the expressed feelings of the parties, the mediator revises possible solutions and attempts to identify a solution on which both parties can agree. The mediator may ask to talk with each party individually in order to find out where middle ground can be met. Another technique a mediator may use is called role reversal where the mediator asks each disputant to repeat what they hear the other party saying.

STEP 6: AGREEING ON A SOLUTION

The mediator helps the parties reach an agreement that both can live with. The agreement should be written down. The parties should also discuss what will happen if either of them breaks the agreement.

HANDOUT #3

MEDIATION ROLE PLAY ACTIVITY

Directions: Read only the role you have been assigned. Act out how you think that person would handle a mediation session. Be prepared to share your group's solution with the class.

HANDOUT #4

Mediator's Information

You are a volunteer mediator at the Neighborhood Justice Center. The city attorney diverts to your program minor complaints of vandalism, theft, etc. She has referred this matter to you for an out-of-court resolution. Mr. Wilson has complained that Dennis/Denice threw a brick through the windshield of his car. The city attorney, rather than treating this as a criminal matter prefers that the parties solve their own problem through mediation.

You should explain that the parties should make a good faith effort to solve their problem here and now as any criminal case will involve much more time and effort on the part of both parties.

Try to get at the parties' underlying concerns and urge them to come up with their own solutions.

HANDOUT #5

Mr./Mrs. Wilson's Confidential Instructions

You have filed a complaint against Dennis/Denice the Menace with the City Attorney. The lawyer in the City Attorney's office referred you to the local Neighborhood Justice Center, which scheduled a mediation hearing. You are not sure what mediation is about but you are angry with Dennis/Denice and you think that he/she should be punished for this act of vandalism.

Dennis/Denice broke the windshield on your car by throwing a brick through it. You did not see Dennis/Denice throw the brick, but just before the windshield was broken you and Dennis/Denice had exchanged angry words. You had gone into the house and a short time later came out to find the windshield broken.

You want Dennis/Denice to pay for the damage. You have one estimate for $700 from a local Oldsmobile dealer. You have insurance that could cover the damage, but you would have to pay a $200 deductible. You want Dennis/Denice to pay the full amount because you fear your insurance rates would rise if you submit a claim.

You have lived next door to Dennis/Denice ever since he/she was born, 18 years ago. You have watched him/her grow up and until lately you have always shared a special relationship with Dennis/Denice. Ever since he/she graduated from high school he/she has not had time to visit with you and you miss the special times you had together. Shortly before the brick incident you had asked Dennis/Denice why he/she hadn't mowed your lawn that week as you hired him/her to do. You don't understand kids these days and think Dennis/Denice has turned into a selfish member of the "me" generation.

HANDOUT #8

Dennis/Denice's Confidential Information

Mr./Mrs. Wilson has filed a complaint against you with the City attorney and the local Neighborhood Justice Center. Mr. Wilson claims that you broke the windshield in his car by throwing a brick through it. The Neighborhood Justice Center has scheduled a mediation hearing. You don't know exactly what this means but you are worried because you have just turned eighteen and don't want this to become a criminal matter in adult court. You did break the window in a fit of anger. However, the incident happened last Saturday in the early evening just as it was getting dark, and you are pretty sure that no one saw you.

You are eighteen years old and have known Mr. Wilson all your life. When you were a kid you used to spend a lot of time visiting the Wilsons, and Mr. Wilson often took you to sporting events as a special treat. Since junior high you have been hired by the Wilson's to mow their lawn every week during the summer. But since graduating from high school you have been too busy working two jobs (to save money for college) and sometimes forget to mow Mr. Wilson's lawn. You have never explained to Mr. Wilson why his lawn hasn't been done.

Last Saturday, you had just turned in the driveway when Mr. Wilson ran out of his house to talk to you. In a screaming voice he yelled how irresponsible and untrustworthy you were. You were embarrassed and responded by yelling back. Mr. Wilson slammed the door as he went inside. You went in your house but just thinking about the incident made you angry and later in a fit of rage you picked up the brick and threw it not intending to hit the windshield. You are embarrassed about acting childishly and you would rather Mr. Wilson didn't know that you broke the windshield but you do value Mr. Wilson's friendship.

You are unwilling to pay for the windshield because you assume Mr. Wilson has insurance that will replace the windshield.

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" ...AT THE SCHOOLHOUSE GATE."

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INTRODUCTION

This lesson is designed to increase the student's understanding of the concept of equality. It does so by utilizing case law and a futures perspective which place the issue of equality within the world of the high school student. Substantively this lesson focuses on the defining of equality, the necessity of discriminating between classifications, the importance of majority and dissenting opinions, and the balancing of competing values in deciding cases where equality is an issue. The instructional model for this lesson consists of brief lectures, two student activities, and class discussions. It is necessary that students come to this lesson with an elementary understanding of the civil liberties and civil rights guarantees from the United States Constitution.

RATIONALE

When Thomas Jefferson penned the words, "All men are created equal," he condemned the teachers of this nation's youth to the grim task of equating the promise of equality with the reality of differences. This ideal of equality permeates the mind of the American people. This is especially true with respect to high school students. Thus, it is important that the concept of equality be taught within the practical reality of our constitutional system, rather than in the lofty ideals of philosophical utopias.

AUDIENCE

This lesson is appropriate for eleventh and twelfth grades but may have some application with ninth and tenth grade students.

TIME TO COMPLETE

Two or three class periods.

GOALS

As a result of this lesson, students will:

- learn that "equal protection of the laws" implies reasonable discrimination, that deciding cases involving the issue of equality means balancing competing values and interests, and that the Supreme Court is not always in agreement as to what is reasonable and important;
- express in writing two opposing points of view to a future-oriented conflict in which equality is an issue.

MATERIALS

Copies of Handouts #1 and #2 for each student.

PROCEDURE

1. Introduce the lesson by writing on the board "All men are created equal." and "All men are created the same." Ask students which statement they believe is most true. This should lead to a short discussion of the meaning of equality in our society. The teacher should direct the class to a conclusion that equality does not necessarily imply sameness. Students should be encouraged to develop their definition of the concept of equality.
2. Review with the class the place of equality in American political theory, especially the Declaration of Independence and the United States Constitution.
3. While equality implies equal treatment, it also allows reasonable discrimination. At this point focus the class' attention on the necessity for reasonable discrimination, i.e., we wouldn't want eight year olds driving cars or "just anybody" performing brain surgery. From here move to the idea that in certain instances it is reasonable to discriminate against juveniles. Ask the class for examples of ways in which they, as teenagers, have been reasonably discriminated against. Next, have the students suggest ways in which they, as high school students, are reasonably and unreasonably discriminated against. This should lead to a

discussion of competing interests and values, especially the interests of society versus the interests of the individual. For example, society's interest in curtailing drug abuse and the student's interest in his/her constitutional right to privacy.

4. Distribute a copy of handout #1 to each student. Have students complete the exercise by selecting the justice's opinion with which they most agree.
5. Discuss the cases with the class. Focus the discussion on the idea that in defining equality the Supreme Court must balance the interests of society against those of the individual. Point out that the values of the individual justices play an important role in this decision-making process. Ask students to answer the following questions about each case presented: (1) When is it reasonable to discriminate or restrict the rights of high school students? (2) What is the justice's view of education in our society? (3) What value judgments support the decision?
6. Discuss the role of majority and dissenting opinions in the decisions of the Supreme Court. Allow students to guess which opinion in each case was the majority opinion. The majority opinions were as follows: Justice Fortas in *Tinker*, Justice White in *Gross*, Justice Powell in *Ingraham*, Justice White in *T.L.O.*, and Justice White in *Hazelwood*.
7. Reinforce the idea that equality requires a balancing of values and interests by the Court. As our society progresses into the future these interests and values may change, thus providing new interpretations of the meaning of society.
8. Distribute a copy of handout #2 to each student. Have them complete the exercise.
9. Poll the class as to their responses and discuss their opinions. If there are any future conditions which appear to the class as probable, but not preferable, explore what could be done to make this condition either less probable or more desirable. Discuss the idea of competing interests and values in each of the scenarios.
10. Using the format of handout #1, ask students to create a case based upon one of the future scenarios described in handout #2. This assignment requires that students create a short scenario, state what Constitutional rights are involved, and write both a majority and dissenting opinion. This assignment must be completed in writing.

    Following the completion of step #10, debrief the lesson.

    Debriefing Questions

    a. Identify some areas in which it is reasonable for society to discriminate against high school students.
    b. Why is it difficult to judge what is reasonable discrimination and what is unreasonable?
    c. What role will the composition of the Supreme Court play in interpreting the meaning of equality?
    d. Will the interests and values of society change as your generation becomes the adults of the twenty-first century?
    e. In the future, will high school students face more or fewer discriminations?

EVALUATION

Student achievement can be evaluated at a number of points in this lesson:

- the verbal responses at the conclusions of handouts #1, and #2.
- the written model of the futures cases, and/or the responses to the debriefing questions.

TIPS FOR THE TEACHER

The purpose of this lesson is to help students examine the values upon which Supreme Court decisions are based. The teacher should return as often as necessary to the identification of values being expressed in the opinions. It is helpful if the teacher reads the entire decision prior to this lesson, but it is also very time consuming. As always, be flexible and use this lesson in ways which work best for you and your students.

BIBLIOGRAPHY

Equality: Constitution Update. Chicago: American Bar Association's Committee on Youth Education for Citizenship.

McCarthy, Martha M. and Nelda H. Cambron. *Public School Law: Teachers' and Students' Rights*. Boston: Allyn and Bacon, Inc., 1981.

Menalker, Julius. *School Law: Theoretical and Case Perspectives*. Englewood Cliffs, NJ: Prentice-Hall, Inc., 1987.

HANDOUT #1

"WHICH SIDE ARE YOU ON?"

In the American legal system equality means that citizens can expect relief from the courts against all forms of discrimination and arbitrary classification. The Fourteenth Amendment's equal protection clause does not prohibit all discrimination, only that which is arbitrary and unreasonable. Justices of the Supreme Court often look to their value systems for help in deciding if a particular incident of discrimination is reasonable or unreasonable.

This exercise will introduce you to five Supreme Court cases in which high school students sought relief in the courts because they felt one of their Constitutional rights had been violated in a discriminatory manner. In each case you will read opposing sets of opinions. Your task is to select the opinion which most reflects your understanding of equality. As you read, underline words or phrases which you feel reflect value judgments of the particular Justice. Be prepared to support and discuss your selections.

Tinker v. Des Moines Independent Community School District, 393 U.S. 503 (1969)

FACTS: John Tinker attended high school in Des Moines, Iowa. In December, 1965, he, along with others, met as a group to plan ways to publicize their objections to the hostilities in Vietnam. It was decided that one method of protest would be the wearing of black arm bands. Principals at the Des Moines schools became aware of the plan and adopted a policy which stated that any student wearing an armband would be asked to remove it. Refusal to remove the armband would result in suspension. John wore his armband to school, when he refused to obey the school policy, he was sent home and told not to return until he removed the armband.

ISSUE: Does the First Amendment guarantee of free speech protect a high school student like John Tinker?

ARGUMENTS: In the words of Justice Fortas, "First Amendment rights, applied in light of the special characteristics of the school environment, are available to teachers and students . . . In our system, state-operated schools may not be enclaves of totalitarianism. Students in school as well as out of school are 'persons' under our Constitution . . . But conduct by the student, in class or out of it, which for any reason . . . materially disrupts classwork or involves substantial disorder or invasion of the rights of others is, of course, not immunized by the Constitutional guarantee of freedom of speech . . . Freedom of expression would not truly exist if the right could be exercised only in an area that a benevolent government has provided . . . ."

In the words of Justice Black, "And I repeat that if the time has come when pupils of state-supported schools . . . can defy and flout orders of school officials . . . it is the beginning of a new revolutionary era of permissiveness in this country . . . The schools of this Nation have undoubtedly contributed to making us a more law-abiding people. Uncontrolled and uncontrollable liberty is an enemy to domestic peace . . . Here a very small number of students have crisply and summarily refused to obey a school order ... I wish, therefore, wholly to disclaim any purpose on my part to hold that the Federal Constitution compels the teachers, parents, and elected school officials to surrender control of the American public school system to public school students."

Goss v. Lopez 419 U.S. 569 (1975)

FACTS: Dwight Lopez was a student at Central High School in Columbus, Ohio during a period of widespread student unrest in February and March, 1971. He was suspended from school for ten days in connection with a disturbance in the lunchroom which involved some physical damage to school property. Lopez testified that seventy-five other students were suspended that day and that he was not a party to the destructive behavior, but an innocent bystander. Lopez never had a hearing.

ISSUE: Does the Fourteenth Amendment's guarantee of due process protect a high school student like Dwight Lopez?

ARGUMENTS: In the words of Justice Powell, ". . . the educational rights of children and teenagers in the elementary and secondary schools have not been analogized to the rights of adults or to those accorded college students. Even with respect to the First Amendment, the rights of children have not been regarded as 'co-extensive with those of adults' . . . In my view, the constitutionalizing of routine classroom decisions not only represents a significant and unwise extension of the Due Process Clause, but it is also quite unnecessary . . ."

In the words of Justice White, "The authority possessed by the State to prescribe and enforce standards of conduct in its schools . . . must be exercised consistently with constitutional safeguards . . . the State is constrained to recognize a student's legitimate entitlement to a public education as a property interest which is protected by the Due Process Clause . . . Students facing temporary suspension have interests qualifying for the protection of the Due Process Clause, and due process requires . . . that the student be given oral and written notice of the charges against him . . . an explanation of the evidence the authorities have and an opportunity to present his side of the story . . ."

Ingraham v. Wright 430 U.S. 651 (1977)

FACTS: James Ingraham was an eighth grade student at Charles R. Drew Junior High School in Dade County, Florida. James was subjected to twenty licks with a paddle because he was slow to respond to a teacher's instructions. The paddling was so severe that he suffered hematoma requiring medical attention and keeping him out of school for days. Florida law authorized limited corporal punishment. The Dade County School Board also authorized paddling of recalcitrant students.

Issue: Does the Eighth Amendment's guarantee against cruel and unusual punishment protect a junior high school student like James Ingraham?

ARGUMENTS: In the words of Justice Powell, "The prevalent rule in this country today privileges such force as a teacher or administrator reasonably believes to be necessary for proper control, training, or education . . . it is not surprising to find that every decision of this court considering whether a punishment is cruel and unusual . . . has dealt with a criminal punishment . . The prisoner and the school child stand in wholly different circumstances . . . The schoolchild has little need for the protection of the Eighth Amendment . . . The openness of the public school and its supervision by the community afford sufficient safeguards against the kind of abuses from which the Eighth Amendment protects the prisoner . . . when public school teachers and administrators impose disciplinary corporal punishment, the Eighth Amendment is inapplicable."

In the words of Justice White, "The Eighth Amendment places a flat prohibition against the infliction of cruel and unusual punishments. This reflects a social judgment that there are some punishments that are so barbaric and inhumane that we will not permit them to be imposed on anyone . . . if a punishment is so barbaric and inhumane that it goes beyond the tolerance of a civilized society, its openness to public scrutiny should have nothing to do with its constitutional validity. Where corporal punishment becomes so severe as to become unacceptable . . . I can see no reason that it should become more acceptable because it is inflicted on children in the public schools."

New Jersey v. T.L.O. 469 U.S. 325 (1985)

FACTS: T.L.O. was a fourteen year old freshman at Piscataway High School in Middlesex County, New Jersey. She was discovered smoking in the lavatory, a violation of school rules. She was taken to the office of Assistant Vice Principal Choplick. She denied she had been smoking. Mr. Choplick demanded to see her purse. In searching her purse he discovered cigarettes, rolling papers, marijuana, a pipe, a list of students owing T.L.O. money and two letters which implicated T.L.O. in marijuana dealing. T.L.O. was charged and tried in Juvenile Court. Her attorneys argued that the search by Mr. Choplick was a violation of T.L.O.'s Fourth Amendment rights and that the evidence found was inadmissible.

ISSUE: Does the Fourth Amendment's protection against unreasonable searches and seizures apply to a high school student like T.L.O.

ARGUMENTS: In the words of Justice Brennan, "Considerations of the deepest significance for the freedom of our citizens counsel strict adherence to the principle that no search may be conducted where the official is not in possession of probable cause . . . Schools are where we inculcate the values essential to the meaningful exercise of rights and responsibilities by a self-governing citizenry. If the Nation's students can be convicted through the use of arbitrary methods destructive of personal liberty, they cannot help but feel that they have been dealt with unfairly ... The search of the young woman's purse by a school administrator is a serious invasion of her legitimate expectations of privacy."

In the words of Justice White, "It is evident that the school setting requires some easing of the restriction to which searches by public authorities are ordinarily subject . . . The school setting also requires some modification of the level of suspicion of illicit activity needed to justify a search . . . the legality of a search of a student should depend simply on the reasonableness, under all circumstances, of the search . . . It is simply unrealistic to think that students have the same subjective expectation of privacy as the population generally."

Hazelwood School District v. Kuhlmeier
108 SCt. 562 (1988)

FACTS: Cathy Kuhlmeier and two other students at East High School in St. Louis County, Missouri contended that school officials violated their First Amendment rights by deleting two pages of articles from the school newspaper which they helped publish. The newspaper, "*The Spectrum,*" was written and edited by a journalism class as part of the school's curriculum. The teacher submitted one page proofs to the principal who objected to the articles on pregnancy and divorce. The pages containing stories were deleted from the paper.

ISSUE: Does the First Amendment guarantee of freedom of the press protect a high school student like Cathy Kuhlmeier?

ARGUMENTS: In the words of Justice White, ". . . a school in its capacity as publisher of a school paper or as producer of a school play may 'disassociate itself' not only from speech that would substantially interfere with its work . . . A school must be able to set high standards for the student speech that is disseminated under its auspices — standards that may be higher than those demanded by some newspaper publishers or theatrical producers in the real world ...A school must be able to take into account the emotional maturity of the intended audience ... educators do not offend the First Amendment by exercising editorial control over the style and content of student speech in school sponsored expressive activities so long as their actions are reasonably related to legitimate pedagogical concerns."

In the words of Justice Brennan, "[The principal] violated the First Amendment prohibitions against censorship . . . Free student expression undoubtedly interferes with the effectiveness of the school's pedagogical functions . . . Public education must accommodate some student expression even if it offends them or offers views or values that contradict those the school wishes to inculcate . . . The mere desire to avoid the discomfort and unpleasantness that always accompany an unpopular viewpoint, or unsavory subject, does not justify official suppression of student speech in high school."

HANDOUT #2

Interpreting and applying the concept of equality in our society has been taking place for the past 200 years. This exercise asks you to think how the concept of equality might apply to high school students ten or fifteen years from now. Below are some scenarios which might exist in your future. Answer YES or NO to each of the questions asked.

	Is this possible?	Is this probable?	Would you prefer this?
1. All high school students will be required by law to submit to AIDS testing as growing evidence shows increased sexual activity among teenagers. Those testing positive will be excluded from contact sports and other suspect activities.			
2. All students who exhibit disruptive behaviors which constantly interfere with the learning environment will be required by law to take medication to control such behaviors.			
3. Due to the increased violence of gangrelated crimes, high school students will be required by law to divulge the names of all organizations and/or gangs to which they belong.			
4. As a means to reduce drug abuse, all high school students will be required by law to submit to psychological testing to determine a student's potential for drug abuse.			
5. Computers will store student information of both an academic and non-academic nature. Such information will be readily available to college admissions officials by way of advanced telecommunications systems.			
6. Believing a student has tampered with the school's computerized records system, the floppy discs of all students entering school are confiscated. Discs are then reviewed for possible invasionary programs.			
7. Write a scenario of your own. How might high school students in the future be confronted with the concept of equality?			

THE CONSTITUTION: A Brand New Ball Game

Ronald Van Berkum

English Valley Community Schools
North English, Iowa

INTRODUCTION

This is a little game that can be used to review the factual content of the United States Constitution. This is an activity that can be used with a large group involving the entire class, or with a small group or it can be used by one student on his or her own. Students should have a brief overview of the Constitution before using this lesson.

RATIONALE

Our Constitution contains much factual information necessary for the running of our government in its day-to-day operations. It is important that our citizens are knowledgeable about our government. Our students need to know these facts in order to become well informed adults. Memorizing facts is tedious and many of the facts are then forgotten. Too often, studies of the Constitution involve memorization only, without understanding. Both are needed to understand our Constitution and its role today. This lesson would fit your study of the Constitution for grades six through eight. It could be used while you are studying the Constitution or as a review activity any time.

GOALS

As a result of this lesson students will:

- learn important facts contained in the Constitution;
- acquire a working knowledge of what is contained in the United States Constitution.

AUDIENCE

This lesson is designed for grades six through eight.

TIME TO COMPLETE

This lesson can be used for one or two class periods.

MATERIALS

Copies of question cards and something to use to mark the score and keep a record of the outs.

PROCEDURE

1. Divide the participants into two teams. Cards should be duplicated and separated.
2. Divide questions into difficulty piles. Number some as single, a few as doubles, some as triples, and a very few as homeruns.
3. Have students look up answers and put them n the back.
4. Determine which team goes first by a coin flip or just choosing one. First team member has the top question read aloud.
5. Give him/her fifteen - thirty seconds for an answer. If he/she answers correctly, move the marker an appropriate number of bases on the score sheet—i.e., one base for a single, two for a double, three for a triple, and four for a homerun. Any markers already on the bases move the same amount. An incorrect answer counts as an out. A team is done when they have three outs. Other teams follow the same procedure.
6. Begin the next inning where the teams ended their batting order. If an answer is incorrect, give the correct answer or ask anyone to supply the answer with no benefit to their team.
7. Game ends when innings or questions are completed.

TIPS FOR THE TEACHER

- This game could tell you what areas of the Constitution you need to review with your students. Incorrect answers need to be discussed more thoroughly.
- This game works well for two to six students to use as a review, or when working with some other group in your room. It can also be played solitaire to help a student who has trouble with learning some of the facts that are presented in the Constitution.

- Laminating questions and the scoresheets will make them last longer. Teachers might want to add questions of their own, or have the students add their own.
- Separate the questions into piles and allow students to choose their own level of difficulty.
- I have found this game to be a good learning device for lower level students. It also kept their attention. Those of your students who might be baseball fans would probably enjoy this method of learning the Constitution.
- I found that one class period of thirty minutes is more than adequate. If the entire class is involved, you might want to keep score on the chalkboard.

BIBLIOGRAPHY

The Free and the Brave by Henry F. Graff. Rand McNally Company. Chicago, Illinois.

Our Constitution and What It Means by William Kottmeyer. McGraw-Hill Book Company. St. Louis, Missouri.

SINGLE What name was officially given to the large-state plan at the Constitutional Convention?	SINGLE What name was officially given to the small-state plan at the Constitutional Convention?
SINGLE What are the first ten amendments to our Constitution commonly known as?	SINGLE What name was given to the compromise settling the problem of representation that occurred at the Constitutional Convention?
SINGLE Who became the first President of the United States of America under the Constitution?	SINGLE What is the minimum age for a Representative in the United States Congress?
SINGLE What is the minimum age for a Senator in the United States Congress?	SINGLE What is the minimum age to be President of the United States?

The New Jersey Plan

The Virginia Plan

The Great Compromise

The Bill of Rights

25

George Washington

35

30

228

QUESTIONS

SINGLE What word about the Constitutional Convention fits this definition: a settlement in which each side gives up something?	SINGLE What is the "supreme law of the land"?
SINGLE What is the lawmaking body of the United States called?	SINGLE Who was the Chairman of the Constitutional Convention?
SINGLE How long is the term for a Representative to Congress?	SINGLE How long is the term for a United States Senator?
SINGLE How long is the term for the President of the United States?	SINGLE What Amendment to the Constitution grants the freedoms of speech, press, religion, petition and assembly?

The Constitution

compromise

George Washington

Congress of the United States

six (6) years

two (2) years

First Amendment

four (4) years

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SINGLE What Amendment forbids slavery?	SINGLE What Amendment started a nation-wide income tax?
SINGLE What Amendment changed the voting age to 18?	SINGLE What is the group of people called who give advice to the President about the departments of the government?
SINGLE In what chamber of Congress, must all tax laws begin?	SINGLE What name is given to a proposed law in Congress?
SINGLE Where must a Representative to Congress and a United States Senator live?	SINGLE When is the election day for President of the United States?

16th Amendment

13th Amendment

The Cabinet

26th Amendment

Bill

House of Representatives

The first Tuesday after the first Monday in November every four years

in the state they represent

232

QUESTIONS

DOUBLE What compromise solved the problem of how slaves should be counted for representation?	DOUBLE In the balance of power built into our Constitution, what body is given the power to impeach the President of the United States?
DOUBLE Who was the Secretary of the Treasury under the Presidency of George Washington?	DOUBLE Who was the Secretary of State under the Presidency of George Washington?
DOUBLE Who proposed the Virginia Plan during the Constitutional Convention?	DOUBLE Who proposed the New Jersey Plan during the Constitutional Convention?
DOUBLE What is the maximum number of terms you can be elected President of the United States?	DOUBLE What Amendment gave voting rights to women?

House of Representatives	3/5 compromise
Thomas Jefferson	Alexander Hamilton
William Patterson	Edmund Randolph
19th Amendment	two (2) terms

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DOUBLE What Amendment gives us the right to bear arms?	DOUBLE What Amendment gives you protection against illegal searches?
DOUBLE What Amendment did away with the making and selling of intoxicating drinks?	DOUBLE Who becomes President of the United States, if he/she becomes disabled or cannot perform his/her duties?
DOUBLE What Cabinet department would be concerned with our dealings with foreign countries?	DOUBLE What Cabinet department would be concerned with our country's finances?
DOUBLE Who is the Commander-in-Chief of our nation's armed forces?	DOUBLE In the balance of power built into our Constitution, what check does the President have on Congress?

4th Amendment

2nd Amendment

Vice-President of
The United States

18th Amendment

The Treasury

State Department

the veto

President of
the United States

236

TRIPLE According to the Preamble of the Constitution, where does the power of government lie?	TRIPLE What is the maximum number of years a person may be President of the United States?
TRIPLE What Amendment to the Constitution changed the way the President was chosen?	TRIPLE What Amendment to the Constitution says you can't have soldiers stay in your home without your permission?
TRIPLE What name was given to the money you had to pay in order to vote in some areas of our country?	TRIPLE What name is given to the speech given each year to Congress by the President?
TRIPLE In the balance of power built into our Constitution, what check does the Supreme Court have on the laws and actions of Congress?	TRIPLE What Cabinet department would be concerned with finding places for the homeless to live?

ten (10) years

"We, the People . . ."

3rd Amendment

12th Amendment

State of the
Union Address

poll tax

Housing and
Urban Development

judicial review or declaring
laws unconstitutional

238

HOME RUN Who was the Secretary of War during the Presidency of George Washington?	HOME RUN What form of government would be described as the following: "a central government which divides and shares authority with the states"?
HOME RUN What Amendment gives us the right to a trial by jury?	HOME RUN What Amendment changed the way Senators are chosen?
HOME RUN What Amendment did away with the 18th Amendment or Prohibition?	HOME RUN On what month and day does a President's term begin?
HOME RUN In the balance of power built into our Constitution, what check does the Senate have on Presidential appointments to the Supreme Court?	HOME RUN What Amendment contains the "due process" clause as applied to states?

239

Federal

Henry Knox

17th Amendment

6th Amendment

January 20

21st Amendment

14th Amendment

can approve
or disapprove

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APARTHEID: Legacy of Imperialism

Mary A. Price

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Libertyville, Illinois

INTRODUCTION

This lesson examines Dutch and British Imperialism in South Africa. It requires students to use the history of the region to understand the scope of current unrest and the ban on media coverage in South Africa. It uses the music of South African exiles, Hugh Masecala and Miriam Macaba in their own words, for which students should be able to form understanding. It uses the songs of Paul Simon and Ladysmith Black Mumbasa which is pleasing and familiar to many students and speaks the international and cross-generational language of music. Cartoons are also used, bringing in yet another medium of communication.

RATIONALE

This unit is vital in a world which believes in justice and equality, especially in a nation such as the U.S. which has tried to build a national conscience upon these principles. This unit would be appropriate in a World History or African Studies class. In World History it would follow the study of Imperialism in the Americas and Asia.

AUDIENCE

Average or accelerated classes in World History or African Studies would be appropriate for this lesson. The grade level should be ten, eleven or twelve with class size of approximately twenty to thirty.

TIME TO COMPLETE

Class periods should be fifty minutes in length. The lesson should take four days.

GOALS

As a result of this lesson students will:

- understand the motives of British and Dutch imperialism in Cape Colony South Africa;
- piece together the history of imperialism in Cape Colony and discover the lessons it teaches;
- explore paternalism on the part of Europeans and measure its similarities with the philosophy of apartheid;
- develop an understanding of the demands of the South African majority;
- propose fair and just policies in South Africa and contrast these policies to those in existence or which should be in existence in other parts of the world;
- speculate about how more fair policies might be brought about.

MATERIALS

1. Videotape of Paul Simon's Zimbabwe concert in 1987. This can be secured from Video Rental by the manufacturer's Number 38136-3, Warner Reprise.
2. Tape Player - Panasonic 2500 or comparable VHS player.
3. Words to "Soweto Blues" (Handout #1)
4. Strategy Sheet for Day 4 (Handout #2) and three cartoons attached.

PROCEDURE, PART ONE

Day One:

1. Appoint *task forces* of evenly distributed students. Allow students to work on their *area of expertise* for ten minutes. Begin questioning and continue as time permits.
2. Appoint *task forces* of two, three, or four depending on class size and scope of topic. Assign one *area of expertise* to each task force. *Areas of expertise* are as follows:
    a. 1657 Dutch Farmers
    b. 1815 Congress of Vienna — Britain Gains Cape Colony
    c. 1834 Slavery and Pass Laws Abolished —British Schools
    d. 1838 "Great Treck" Andreus Pretorius
    e. December 16, 1838, Battle of Blood River
    f. 1884 Berlin Conference
    g. 1899-1902 Boer War, Causes and Results
    h. Paternalism, the father of Apartheid

3. Inform students that the teacher will ask anything necessary in each category to the appropriate task force. Give ten minutes for students to prepare. The material will be familiar because the assigned text reading (Perry Ch. 27) will have been assigned — due on this date. Sample questions for #1, Dutch Farmers might be:
    a. Who are the Boers?
    b. Why was South African land desirable?
    c. Describe the Paternalistic attitude toward Zulus.
    d. What if the Zulu's had been treated with equality?
    e. What if there had been no pass laws? —No fixed address laws?
4. Continue questioning in this manner for each of the eight areas. In the second day add the music as described for Day two. Use videotape and printed words from Handout #1. Following "Soweto Blues" ask students questions about the words, such as the following:
    a. What does the letter symbolize?
    b. What does, "They are killing all the children without any publicity" mean?
    c. Who is Nelson Mandella? Why is he in jail? What are the charges? What are the reasons? Are they the same/different? Meaning?
    d. What if he were permitted free speech? Assembly?
    e. What if Hugh Masecala and Miriam Macaba were permitted the same freedoms?
    f. What is meant by "they are calling it black on black"?
    g. How do you respond to "Won't somebody help"?
    h. Who will respond? How will they respond?
    i. How do you envision this will end?
    j. Is your vision probable, possible, preferable —what course is mandated?
5. In the Cartoon Strategy Sheet (Handout #2) for Day four, the topic of imperialism is examined against its South African legacy. The cartoons should be interpreted by the students adding yet another medium for communicating the values of the imperialism issue.
6. **Debriefing:** Discuss the future of the imperialistic attitude. Where do the five different kinds of imperialism (economic, political, cultural, military, and colonial) still exist today? Ask the following:
    a. Will more countries become involved on the side of the colonizer/colonized — Basis for decision?
    b. What did the students *feel* from the music/cartoons which was not *felt* in previous inquiry?

PROCEDURE, PART TWO

Day Two:

Have music of "Ladysmith" playing on the video as students arrive. This will set the pace. "Homeless" or other songs about the plight of South African blacks should continue playing for three or four minutes after class begins. Complete questions of all *expertise* groups. This concludes the history of the issue. Play "Soweto Blues" on the video and allow students to follow printed words for further understanding of the song's message.

PROCEDURE, PART THREE

Day Three:

Do debriefing and evaluation. Instructions for these sections will follow.

PROCEDURE, PART FOUR

Day Four:

Apply and review the Legacy of Imperialism by analyzing the cartoons to be used with the Cartoon Strategy Sheet (Appendix B)

EVALUATION

Observe students in preparation of task forces. Evaluate the quality of responses during the question phase. Evaluate the quality of written responses on the Cartoon Strategy Sheet (Appendix B). Require students to write a paper entitled "The Perfect Vision — Cape Colony A.D. 2001." Share imaginative ideas with class.

BIBLIOGRAPHY

(Students)

How Racism Came to Britain. The Institute of Race Relations, 2-6 Leeke Street, London WC1X9HS, England, pp. 6,7,18.

Perry, Marvin, et al. "The Age of Imperialism," *A History of the World.* (Ch. 27 Africa) Houghton Mifflin Company, Boston, 1985, pp. 547-605.

Simon, Paul. *Zimbabwe Concert (Graceland)* 1987. Warner Reprise Videotape. Manufacturer's Number 38136-3.

(Teacher)

Brun, Henry. *The Retreat from Imperialism.* Richards Rosen Press, Inc . New York, 1978.

North, James. *Freedom Rising.* MacMillan Publishing Co., New York, 1985.

HANDOUT #1

SOWETO BLUES

Written by Hugh Masecala
Sung by Miriam Macaba

The children got a letter from their master
it said no more ..... no more Zulu.

Refusing to comply they sent an answer.
That's when the policeman came to the rescue.

Children were flying, homeless dying.
The mothers screaming and crying.

The fathers were working in the city.
The evening news brought us all the publicity.

Just a little atrocity
Deep in the city.

Soweto Blues .....

There was a full moon on the golden city
Knocking at the door was a man without pity
Accusing everone of conspiracy
Tightening the curfew, charging people with walking.
Yes, the border is where he was waiting
Waiting for the children frightened and running.

A few got away, but all the others
Are in the jail without any publicity.

Just a little atrocity
Deep in the city.

Soweto Blues .....

They are killing all the children
Without any publicity.

They are finishing the nation
While calling it black on black
But everybody knows they are behind it
Without any publicity.

They are finishing the nation.
Won't somebody help out there!!!

Soweto Blues .. ..

Paul Simon s Zimbabwe Concert 1987
Warner Reprise Videotape 38136-3 (Mfg. No.)

HANDOUT #2

CARTOON STRATEGY SHEET

I. What are the four kinds of imperialism? Give an example of each.

A.

B.

C.

D.

II. Each of the following was a victim of imperialism at one time or another. In each case tell who colonized or influenced the country, when it took place, and why the colonizing power acted as she did (what did they seek to acquire).

China

Japan

Indonesia

Philippines

India

Annam (Vietnam)

N. America (Canada and U.S.)

South and Central America

Kenya

South Africa (Cape Colony)

Zaire (Congo)

Angola and Mozambique

Ethiopia

Algeria

Suez Canal

III. How many different colonizing powers have you shown? Circle each.

IV. You will be shown three cartoons covering the by-products of imperialism. In each case what do you see as the most important lesson each cartoon tells?

A. (the pig)

B. (the nude)

C. (the circle)

TRIANGULAR TRADE

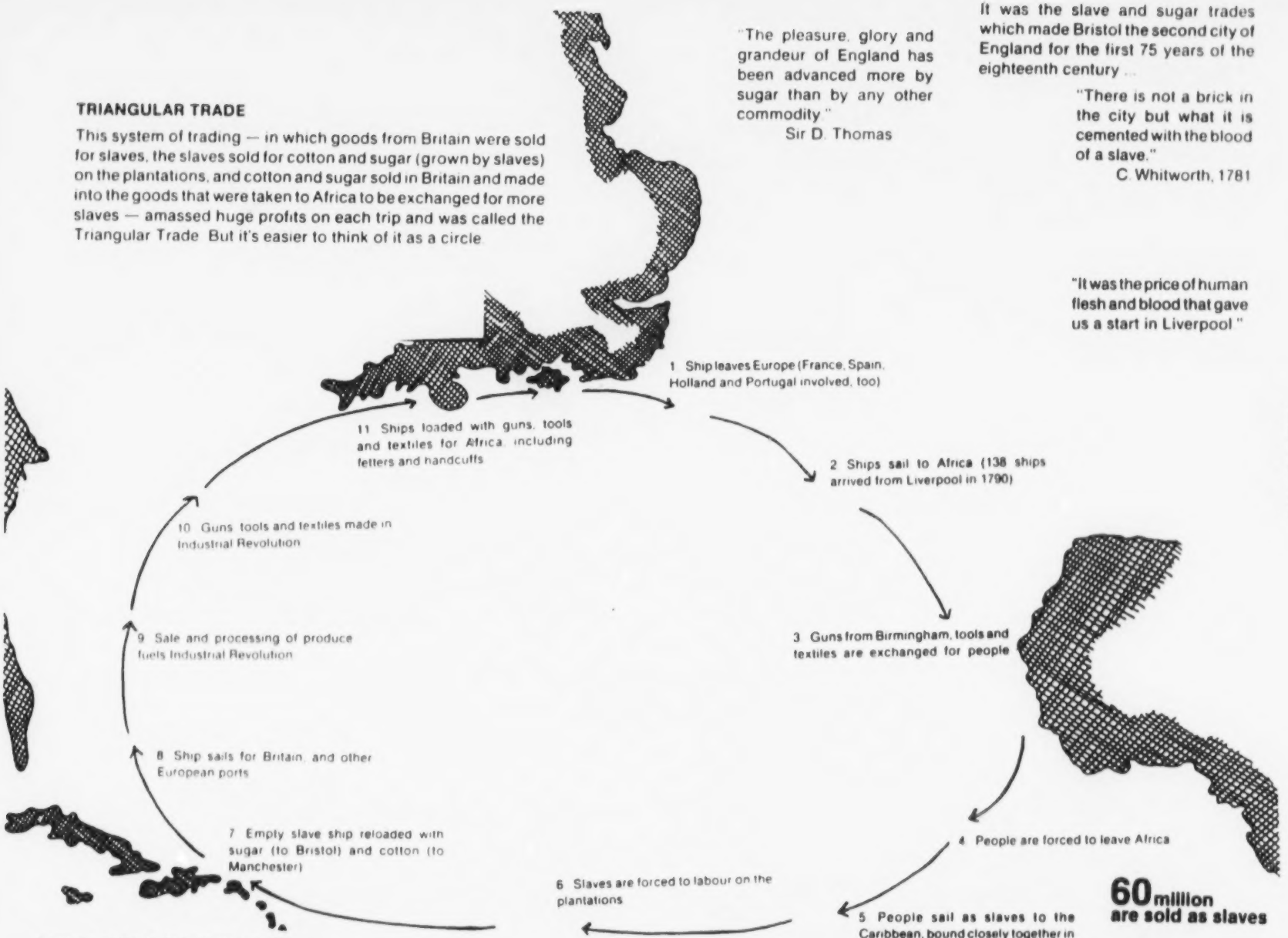
This system of trading — in which goods from Britain were sold for slaves, the slaves sold for cotton and sugar (grown by slaves) on the plantations, and cotton and sugar sold in Britain and made into the goods that were taken to Africa to be exchanged for more slaves — amassed huge profits on each trip and was called the Triangular Trade. But it's easier to think of it as a circle.

"The pleasure, glory and grandeur of England has been advanced more by sugar than by any other commodity."
Sir D. Thomas

It was the slave and sugar trades which made Bristol the second city of England for the first 75 years of the eighteenth century ...

"There is not a brick in the city but what it is cemented with the blood of a slave."
C. Whitworth, 1781

"It was the price of human flesh and blood that gave us a start in Liverpool"


1 Ship leaves Europe (France, Spain, Holland and Portugal involved, too)
2 Ships sail to Africa (138 ships arrived from Liverpool in 1790)
3 Guns from Birmingham, tools and textiles are exchanged for people
4 People are forced to leave Africa
5 People sail as slaves to the Caribbean, bound closely together in iron shackles
6 Slaves are forced to labour on the plantations
7 Empty slave ship reloaded with sugar (to Bristol) and cotton (to Manchester)
8 Ship sails for Britain, and other European ports
9 Sale and processing of produce fuels Industrial Revolution
10 Guns, tools and textiles made in Industrial Revolution
11 Ships loaded with guns, tools and textiles for Africa, including fetters and handcuffs

60 million are sold as slaves

Institute of Race Relations, London

HANDOUT #5

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"IS LITTLE BROTHER WATCHING YOU?"

Nancy B. Plaxico

Ben Eielson High Schools
Fairbanks, Alaska

INTRODUCTION

This lesson will follow a unit of study on rights under the Fourth Amendment. Students will have learned about several cases and the decisions concerning rights that protect a person from unlawful search and seizure. Students will have studied the *New Jersey v. TLO* case as they looked at privacy rights at school. This lesson will utilize a case study from *Civil Liberties Today* to generate discussion. After this discussion, students will compile a list of privacy issues for the future. Students will speculate on the changes we might incur because of the problems facing our society today. We will conclude the classroom discussion with *Future Probe*.

RATIONALE

The purpose of this lesson is for students to start thinking about the implications of the right to privacy and what might happen to individual civil liberties because of the problems facing our society today. Students will speculate as to what rights individuals might have to sacrifice for the protection of society. Similarly, students will make predictions as to what our society will be like in the future.

AUDIENCE

This lesson is appropriate for twelfth grade American Government students.

TIME TO COMPLETE

Two to three class periods.

GOALS

As a result of this lesson students will:

- find Constitutional provision for the right to privacy;
- look at specific cases that deal with the privacy issue;
- generate discussion on the issues of privacy;
- debate the issues of privacy as to rights of society versus rights of the individual;
- speculate on changes in the right to privacy due to the problems facing our society in the future.

MATERIALS

1. *Civil Liberties Today*. Case Four/Little Brother is Watching You!
2. Excerpts from *1984* by George Orwell (Excerpts: pp. 8-10, pp. 19-20, pp. 26-27 and pp. 246-256 for some selected Newspeak vocabulary).
3. *Case Study:* The Frank Wilkinson Story (available from CRADLE if you send a blank videotape).
4. *Background Materials:*

- *Magruder's American Government*, Pages 130-134.
- Selected cases and brief synopsis of each:
    - *Mapp v. Ohio*, 1961 - The Supreme Court ruled that evidence illegally obtained cannot be used in State courts. (exclusionary rule)
    - *Katz v. United States*, 1967 — The Supreme Court ruled the Fourth Amendment protects persons, not just places. Police officers need proper search warrants to install listening devices.
    - *Irwin Ravin v. State of Alaska*, 1975 — The Alaska State Supreme Court held that personal possession and use of limited quantities of marijuana by adults in their own homes would no longer be considered a criminal offense. This decision was based on the State Constitution's guarantee of the right to privacy. (This information was taken from *Alaska State Government and Politics*, edited by Gerald A. McBeath and Thomas A. Morehouse.)
    - *New Jersey v. TLO*, 1985 — The U.S. Supreme Court ruled that school administrators can search a student's purse or

locker if they have "reasonable" suspicion that a student has violated a school rule.

Other cases that will enhance discussion on changes for the future include:

- *U.S. v. Leon*, 1984 — the "acting in good faith" case;
- *Nix v. Williams*, 1984 — the "inevitable discovery" case; and the implications for the privacy issue in the *Hazelwood School District v. Kuhlmeier*, 1988, case.

The cites for these cases are available in the Table of cases.

PROCEDURE, PART ONE

Introduction: Case Study — Little Brother is Watching You!

1. **Day 1:** In small groups, have the students read the case and answer the "Where Do You Stand?" questions. After the small group discussion, discuss as a class and compare answers.
2. **Input:** Question One mentions Orwell and other authors who have warned of a future society where privacy will not exist. Briefly explain *1984* and read the excerpts to the class.
3. **Discussion:** Will our society become like the one in *1984*? Can you provide some examples where the government might need to monitor someone's actions? Does the government have the right to "watch, listen, etc." in some cases? If so, give examples. Is it possible for the government to monitor your actions without you being aware of it?
4. **Case Study:** Frank Wilkinson. Have the students read the case study and then discuss. (This could be assigned for homework if you run out of class time.)

PROCEDURE, PART TWO

Day 2:

1. **Input:** Where is your Constitutional right to privacy? (At this point, refer to cases already studied or any others that deal with the Fourth Amendment right to privacy. An excellent one specific for Alaska is the *Irwin Ravin v. State of Alaska*, 1975 case which decriminalized a specific amount of marijuana in the privacy of the person's own home.)
2. **Brainstorm:** Have the students brainstorm privacy issues or implications for the future. Generate a list. Examples include: the drug epidemic, AIDS, other questions of national security and international involvement, etc.
3. **Debriefing:** Discuss the implications for individual rights in this country. What major changes do the students foresee? What changes could occur because of the Reagan appointments to the U.S. Supreme Court? What recourses will be available for individuals?

   Activity: Students will write letters to themselves. These letters are for "their eyes only." The letters wil be mailed to them in five years. They must provide an address that will remain permanent. In this letter, the students should speculate as to what life will be like for them and any changes they are predicting for our society over the next five to ten years.

EVALUATION

- Students will answer the "Where Do You Stand?" questions in groups.
- Assess student participation in the group activity and in the class discussions.
- Students must fulfill the requirement of writing the letter.

TIPS FOR THE TEACHER

- Provide an atmosphere where students will discuss openly yet respect other students' opinions.
- Be sure to have up-to-date reference materials available in case a question of constitutionality arises.
- Have at least one attorney you can call for *help*. I have found several who are more than willing to answer legal questions.
- Prepare for heated discussions with controversial issues. Accordingly, establish guidelines for group discussion and class participation.

BIBLIOGRAPHY

McBeath, Gerald A. and Morehouse, Thomas A. Editors. *Alaska State Government and Politics*. Fairbanks, Alaska: University of Alaska Press, 1987.

McClenaghan, William A. *Magruder's American Government*. Newton, Massachusetts: Allyn and Bacon, Inc., 1985.

Orwell, George. *1984*. New York: The New American Library, Inc., 1974.

COLONIALISM

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Institute of Race Relations, London

HANDOUT #3

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WHOLE THEORIES WERE DEVELOPED IN WHICH DIFFERENT PEOPLES WERE 'GRADED ACCORDING TO THEIR STATUS

Years of research which is far too obscure for you to follow reveals these facts

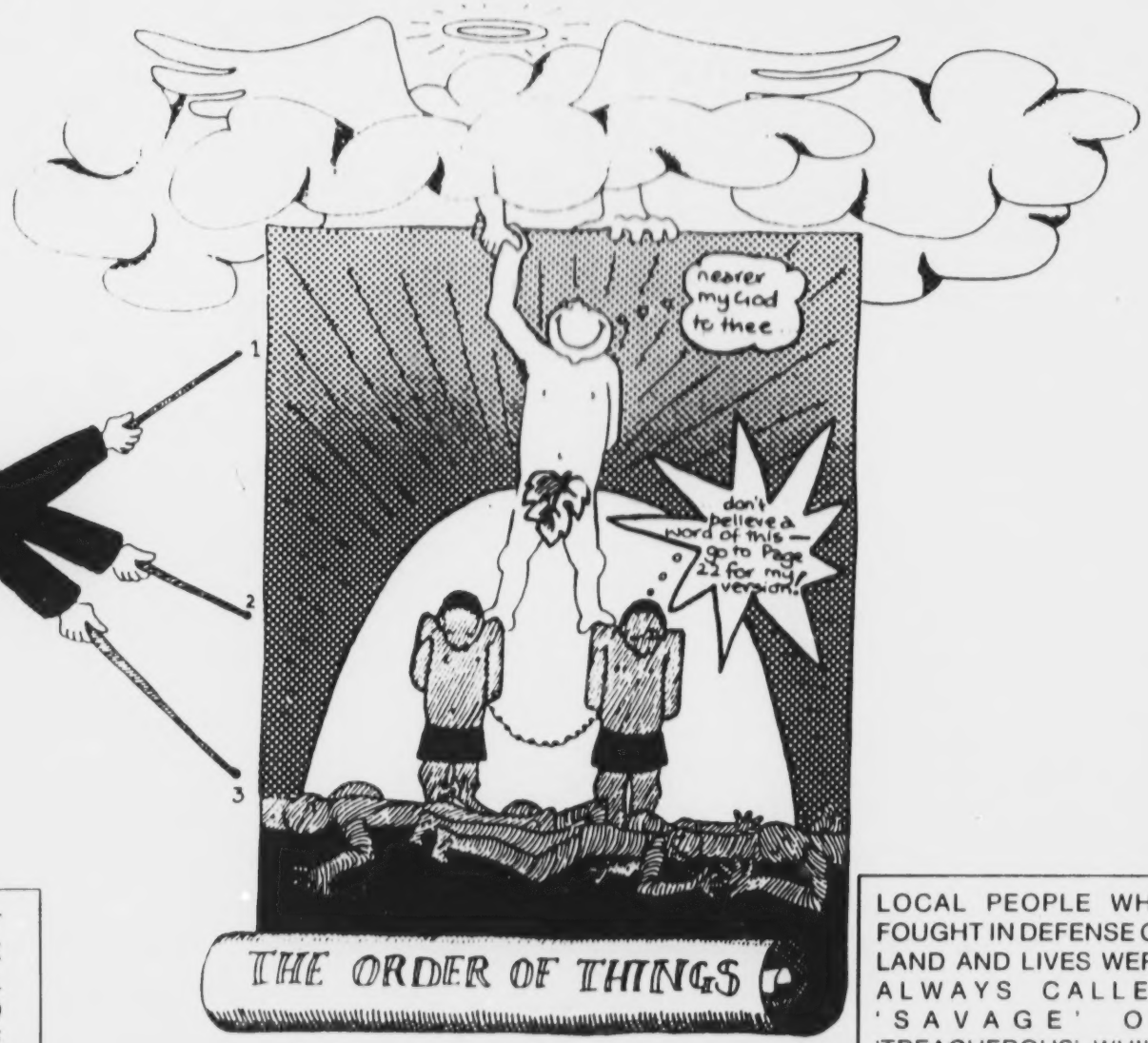
1 White male Europeans are born to lead & rule

2 Africans and Chinese can manage simple tasks

3 Other people are doomed to extinction

4 For proof of these theories I refer you to the learned work

The Emperor's New Clothes"



"IT IS PREDICTED THAT SOMEDAY THE MENIAL WORK OF THE UNIVERSE WILL ALL BE DONE BY CHINAMEN AND NEGROES WHILST THE WHITE RACE IS TO FILL THE HIGH PLACES OF THE EARTH, SQUEEZING OTHER RACES OUT OF EXISTENCE"

Queensland Figaro 6 Oct 1883

LOCAL PEOPLE WHO FOUGHT IN DEFENSE OF LAND AND LIVES WERE ALWAYS CALLED 'SAVAGE' OR 'TREACHEROUS' WHILE THE WHITE AGGRESSORS ARE ALWAYS REFERRED TO AS 'HEROES' ...

Institute of Race Relations London

BEST COPY AVAILABLE

Permission to copy Case Four/Little Brother is Watching You! from Civil Liberties Today *is granted by:*

Donald Parker
Nicholas Econopouly
Robert M. O'Neil
Karen O'Neal

Mr. Parker has requested that the above statement accompany the case.

CASE Four / Little Brother Is Watching You!

The man walked quickly down the stairs to the basement of the apartment building and into the room housing a small box filled with wires.

He opened his briefcase and took out wires, clamps, and some other simple gadgets and tools. Quickly and expertly he made connections in the box with the wires which went up into the ceiling.

The man put on his earphones. He was ready to listen to whatever telephone conversation might take place in the building.

He glanced down quickly to see if the tape recorder was in running order.

Big Ear.
Listen to birds and other wildlife hundreds of yards away! Exciting new invention makes it possible for nature lovers to hear clearly what they cannot see! Send for your Big Ear listening device today. *Send check to . . .*

Bill Barton read the advertisement and acted promptly. He wrote out his check, addressed the stamped envelope, and ran out of the house to the nearest mailbox.

Bill was not a wildlife enthusiast. He cared not a bit about hearing the sounds of birds "hundreds of yards away."

What Bill was interested in was the secret conversations of people, friend and foe alike, preferably those they carried on behind the walls of their homes. Big Ear, he knew, was powerful enough to pick up voices in the house next door!

Bill was that kind of chap. He could hardly wait for his new toy to arrive.

Surprise Your Friends!
Miniature camera, only one inch long and half an inch wide, tucks neatly behind your peephole necktie! Attachment makes it possible to click the no-sound shutter with your hand in your pocket! Take pictures of your friends when they least suspect it! Catch them naturally without posing! Great fun for everyone! Send check to . . .

"Man!" Willy the Weasel exclaimed, "these science and engineering guys are knocking their brains out just for *me!*"

Willy, whose trade was blackmail and who had just completed a term in the state prison, smiled with anticipation.

He took out his pen and began writing a check. The check would bounce, of course, but before that time Willy would have his new photography equipment!

The principal leaned back in his chair, pressed the button marked "Room 23," and listened carefully to the sounds coming from the English class at the other end of the building.

It was obvious that things were going well. Students were involved in a lively discussion about the meaning of a particular paragraph in *Lord of the Flies.*

The two-way public address system was a tremendous improvement over direct classroom observation. This way, it was possible to evaluate classes and teachers quickly, easily; what took place in the class was not influenced by the fact that an administrator had entered the room. The high school, he believed, now had an effective means of evaluation and one which was bound to improve the quality of learning.

The principal pushed button 32.

Mini-Wizard Tape Recorder
Mini tape recorder tucks conveniently into your pocket! Highly sensitive microphone is no bigger than a shirt button! Why lug around heavy recording equipment when Mini-Wizard does the job just as well? Price includes half-hour tape. Send check to . . .

Fred taped all conversations with his teachers, his guidance counselor, the assistant principal, and his boss at the local supermarket.

Fred didn't tape because he was interested in collecting the world's wisdom. In fact, almost every-

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thing he taped he quickly erased.

It was simply that Fred was convinced that *everyone*, no matter who, sometimes said things that should not be said. And when that time came, Fred wanted to be sure he caught it on tape.

The interesting young man tucked the Mini-Wizard in his pocket and set out for school.

WHERE DO YOU STAND?

1. Fiction writers, including George Orwell, Aldous Huxley, and Ray Bradbury, have warned of a world of the future in which privacy will no longer exist. Technology has provided a wide variety of listening, looking, and recording instruments such as those described above. Can anything be done about it? Must people adjust to a new kind of world where the right to privacy has no reality?
2. Should newspapers and other publications be permitted to advertise the kinds of listening and recording instruments described above? Why or why not? Should manufacturers of such gadgets be restrained or controlled in any way? Should the sale of such equipment be controlled? How? By whom? Explain your views.
3. What justification do you see in the system of class and teacher evaluation described above? Is the principal's viewpoint reasonable? Do you object to his method? Why?
4. The Constitution was written for a largely agrarian nation at a time when electronic technology did not exist. Is the Fourth Amendment outdated? Can the Constitution adjust to the complexities of the twentieth century? In your view, should there be no changes or additions in the law and the Constitution? Should there be new laws, changes and additions to the Constitution? Major constitutional revision or an entirely new Constitution? What are your reasons? Why?

HANDOUT #2

DIRECTIONS: Below is a sample of conditions which might exist sometime before the next 15 years pass. Place an "X" in the column labeled CAN HAPPEN if you think the conditions could possibly occur. Place an "X" in the column labeled WILL HAPPEN if you think the condition is likely to occur. Place an "X" in the column labeled APPROVE if you think the condition would be desirable. Each condition can have a possible three "Xs" next to it, and each condition should be considered independently of the other conditions. Please add others of your own.

	CONDITION	CAN HAPPEN	WILL HAPPEN	APPROVE
1.	Constitutional rights of privacy, speech, and press will not be granted at the high school level.			
2.	Drug testing of students will be conducted regualarly.			
3.	All student athletes will be tested for drug use before participation is allowed.			
4.	Camera monitors will be placed in all high school bathrooms.			
5.	Locker and personal searches will become commonplace at all high schools.			
6.	All school employees will be required to take drug tests regularly.			
7.	Drug testing will be mandatory for all workers where safety is a factor.			
8.	All employees who work with children will be tested for the AIDS virus.			
9.	Someone who inflicts another with AIDS will be indicted for murder.			
10.	AIDS tests will be mandatory in order to get a marriage license.			
11.	Zero tolerance drug laws will give landlords much more power in searching their rentals.			
12.	All candidates for public office will have their bank records, tax records, medical records, etc. checked by the FBI.			
13.	The U.S. Supreme Court will overturn the *Roe* decision, thus making abortions illegal.			
14.				
15.				

WOMEN AND EQUALITY

Maria E. Cedeno

Citrus Grove Middle School
Miami, Florida

INTRODUCTION

This lesson plan will help students understand that women are still facing obstacles that must be eradicated before equality can truly be enjoyed by women. In order to understand the lesson, small group discussion and presentations will be used, accompanied by general class participation.

Equality is a most important value of a democratic society. Women are citizens of this free society and are entitled to the equality guaranteed to its citizens.

AUDIENCE

This lesson is appropriate for:

Eighth grade General Bilingual U.S. History.

Bilingual students' ability to read, understand and speak English is on an elementary level. Translation must be used at times.

TIME TO COMPLETE

One class period. This lesson can be used as a follow-up on the chapter on Women's Rights in the assigned classroom textbook.

GOALS

As a result of this lesson, students will:

- appreciate women's advancements since the addition of the Nineteenth Amendment to the Constitution of the United States;
- cite arguments for and against equality for women;
- develop alternatives that the women's movement could pursue to achieve the equality American women are seeking in their lives.

MATERIALS

1. Values Continuum Activity.
2. Handouts:
   a. "This is a nightmare" document
   b. "Helpful Husband Doesn't Share Load"
   c. Magazine/Newspaper article about women in sports.
   d. Magazine/Newspaper article about women in the armed forces.
3. Chalkboard
4. Poem — "New Dawn" (listed in bibliography)

Note: Any newspaper or magazine articles dealing with women's equality can be used with this lesson.

PROCEDURE, PART ONE

1. As an introduction to the lesson the class will study the cartoon and answer the two questions under the cartoon. After answering the questions and commenting on their answers the class will embark on a *Values Continuum Activity.*
2. The issue identified for this activity is: *"Are Women Receiving Rights Equal to Men?"* Description of Activity: The teacher will draw a long line on the board and write two polar positions on the issue. On one end the class will have: *"Women are treated equally to men"* and the other position will be *"Women do not have equal rights."* Students must make a value judgment.

   The teacher marks a series of points along the continuum, saying to the class that there are numerous positions between the end points and that each person will be asked to state his/her position. When the students state their positions, the teacher will mark the position on the board. Later in small groups of six to eight students, each person will be able to share the reason for his/her position. This activity will begin a lively group discussion. Students themselves will generate discussion topics. They will compare their positions on the Values Continuum before and after the group discussion to see if their opinions have changed.

Diagram: 0 - 100 "Equality and Inequality"

100_____**0**

Inequality **Equality**

3. After a few minutes of group discussion centering around the students' positions on women's rights, a handout will be distributed to each group for further discussion. These handouts will discuss the following topics:
    a. Progress of working women.
    b. Women in Sports.
    c. Husbands' attitudes towards wives in the home.
    d. Women in the Armed Forces.

    In small groups, each student will be able to compare and contrast their positions on the *Values Continuum Activity*. Did the article change anyone's mind? Did your position remain the same? A summary of each handout will be presented by each group to the class focusing on these three points:
    a. Problems faced by women in the particular field covered by the handout.
    b. Suggestions recommended by the group to alleviate the particular problem.
    c. The most effective means for women to obtain the desired goals. (Legal action, demonstrations, congressional acts, strikes, etc.)
4. As a closure to the lesson read the poem *"New Dawn."*
5. **Debriefing:** To help the students work towards achieving equality for women during their lifetime, the class can develop a set of goals that will facilitate the ultimate goal of equality.

    Ask the students what goals they would like to work towards such as:
    a. The ERA ratified.

        What lobbying efforts could they use to support the ERA?
    b. Mi[illegible]women enjoying equal status with th[illegible]e counterparts within their ethnic

        [illegible]would students educate minorities [illegible]nales and females should be treated equally?
    c. Female professionals should receive pay equal to their male counterparts.

        What legal steps can our government take to insure these goals?

EVALUATION

The students will be evaluated at the end of class by the following methods:

1. Using the cartoon given at the beginning of class the students can write a brief summary on the issue of women's voting rights.
2. Students can draw their own cartoon illustrating their position on women's rights.

TIPS FOR THE TEACHER

- Choose articles that are suitable to your students' level.
- Keep in mind their ethnic and cultural background when teaching this lesson.
- Using a short film instead of a cartoon could also serve as an interesting introduction.
- Try to balance your small groups by mixing your students, that is have conservative and liberal minded students in all your groups.

BIBLIOGRAPHY

Materials and Resources Used:

Fraenkel, Jack R. *Helping Students Think and Value: Strategies for Teaching Social Studies.* Prentice-Hall, 2nd edition, 1980.

Goodman, Ellen. "Helpful Husband Doesn't Share Load," *The Boston Globe.* July, 1985.

Rodriguez, Escario Sosa., "New Dawn." *Companera,* Nov.-Dec., 1987, Caracas, Venezuela.

"This is a nightmare document," *USA Today,* July 23 1987.

"Will Girls Compete With Boys in Sports Someday?" *Real World.* March, 1984.

"What It's Like Today For Women in the Army." *Real World.* October, 1983.

Interpretation

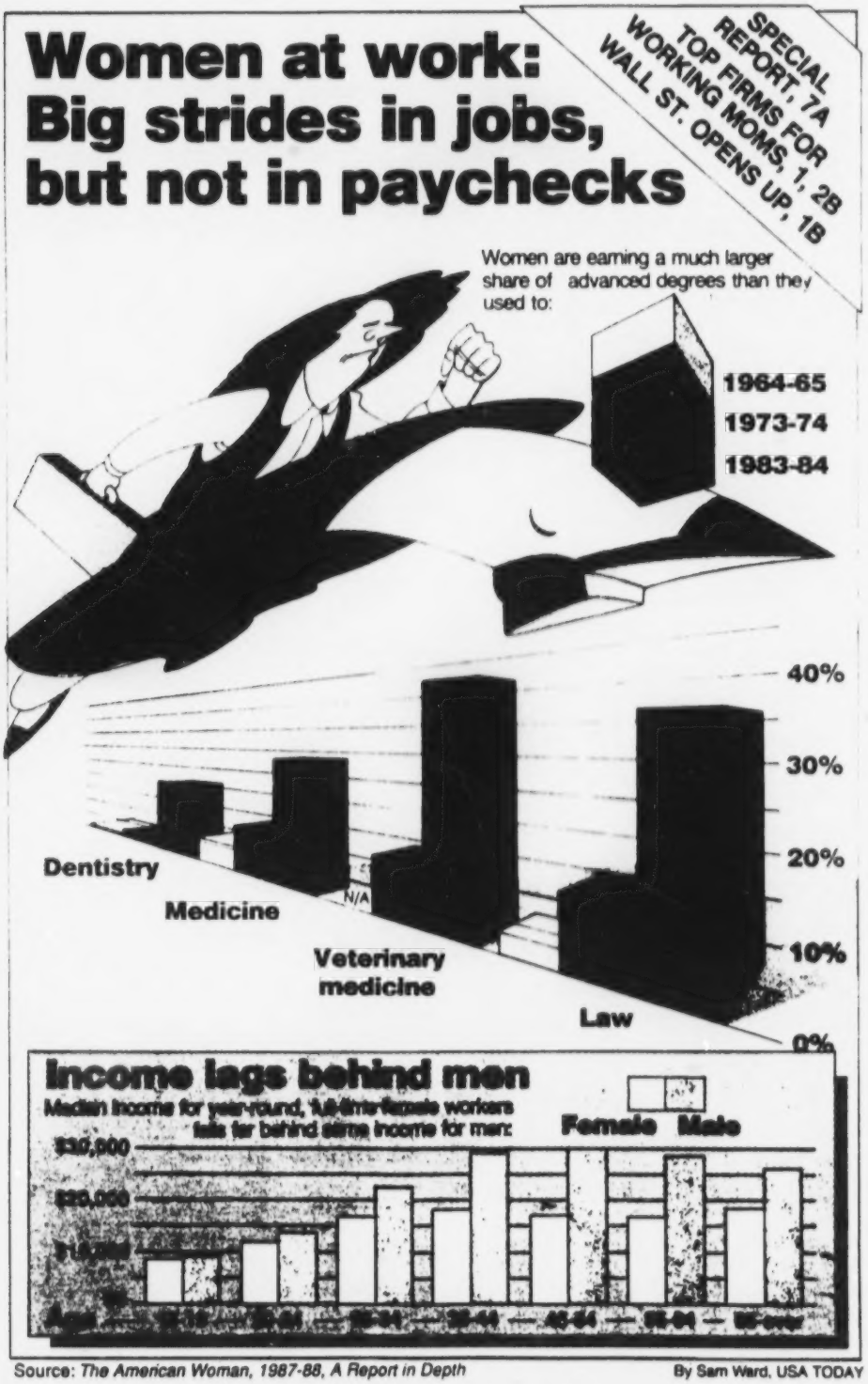
This cartoon appeared in a major U.S. newspaper in March 1920. At that time the 19th Amendment had not yet been ratified. Look carefully at this cartoon, and then answer the two questions below.

Source: Historical Pictures Service — Chicago

1. In your own words, what does this cartoon "say"?

2. Do you think this cartoonist was anti-suffrage, pro-suffrage, or neutral on the issue of the vote for women? Explain your answer.

USA TODAY
July 23, 1987



'This is a nightmare documented'

By Desda Moss
USA TODAY

USA women — despite big strides in the work force — don't have it made yet, a report out Tuesday says.

Women college graduates who work full time earned little more than employed male high school dropouts — $20,257 compared to $19,120. The wage for male college grads: $31,487.

"I'm afraid this is a nightmare documented," said Rep. Barbara Kennelly, D-Conn.

Among the reasons:

- 70 percent of women employees remain in low-paying work such as clerical, housekeeping and service jobs.
- Discrimination in male-dominated professions.
- Many women choose traditionally female careers.

The American Woman 1987-88: A Report in Depth was released by the Women's Research and Education Institute. Its good news:

- The percentage of Fortune 1,000 boards with women directors climbed from 13 percent to 44 percent.
- Number of women state legislators doubled between 1975 and 1987 to 16 percent.

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USA TODAY
July 23, 1987

Inroads by women in jobs across USA

Here's a look at various occupations, showing the change in percentage of women holding jobs, many of them traditionally held by males.

WOMEN ON THE INCREASE

Occupation	1975	1985
Architect	4.3	11.3
Bartender	35.2	47.9
Bus driver	37.7	49.2
Cab driver, chauffeur	8.7	10.9
Carpenter	0.6	1.2
Computer programmer	25.6	34.3
Computer systems analyst	14.8	28.0
Data processing equipment repairer	1.8	10.4
Dentist	1.8	6.5
Economist	13.1	34.5
Editor, reporter	44.6	51.7
College/university teacher	31.1	35.2
Garage, gas station attendant	4.7	6.8
Lawyer, judge	7.1	18.2
Librarian	81.1	87.0
Mail carrier	8.7	17.2
Office machine repairer	1.7	5.7
Physician	13.0	17.2
Social worker	60.8	66.7
Telephone installer, repairer	4.8	12.8
Welder	4.4	4.8

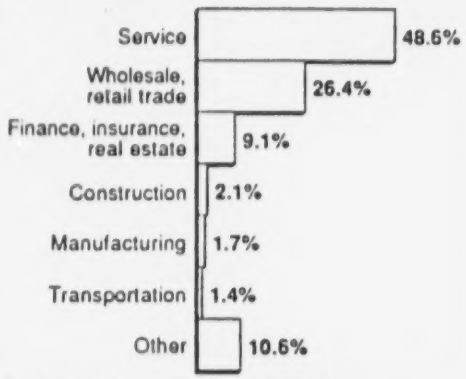
WOMEN ON THE DECREASE

Occupation	1975	1985
Child care worker	98.4	96.1
Data entry keyer	92.8	90.7
Dental assistant	100.0	99.0
Elementary school teacher	85.4	84.0
Registered nurse	97.0	95.1
Telephone operator	93.3	88.8
Restaurant server	91.1	84.0

Source: Women's Research and Education Institute, U.S. Department of Labor

Businesses women own

Nearly half of the businesses owned by women are in the service industry. Here's a breakdown[1]:



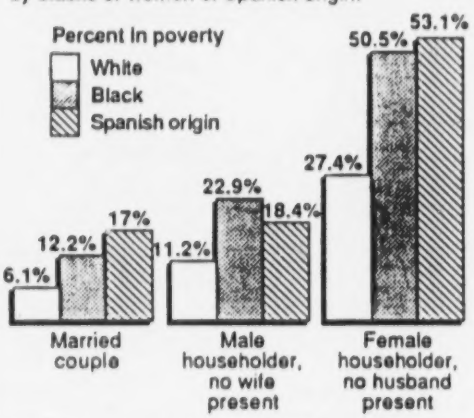
1 – does not add up to 100% due to rounding

Source: *The American Woman, 1987-88, A Report in Depth*

By J.L. Albert, USA TODAY

Poverty rates of families

Poverty remains a major problem among female-headed families, especially among those headed by blacks or women of Spanish origin:



Source: *The American Woman, 1987-88, A Report in Depth*

By J.L. Albert, USA TODAY

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Helpful Husband Doesn't Share Load

By ELLEN GOODMAN

I KNOW a woman who is a grateful wife. She has been one for years. In fact, her gratitude has been as deep and constant as her affection. And together they have traveled a long, compassionate road.

In the beginning, the young wife was overjoyed to find herself married to a man who let her work. That was in 1964, when even her college professor said without a hint of irony that the young wife was "lucky to be married to a man who let her work." People talked like that then.

Later, the wife looked around her at the men her classmates and friends had married and was grateful that her husband wasn't threatened, hurt, rejected, insulted by her job.

He was proud. And her cup overran with gratitude. That was the way it was.

IN the late Sixties when other, younger women were having consciousness-raising groups, she was having babies and more gratitude.

You see, she discovered that she had a Helpful Husband. Nothing in her experience had led her to expect this. Her mother was not married to one; her sister was not married to one; her brother was not one.

But at four o'clock in the morning, when the baby cried and she was exhausted, sometimes she would nudge her husband awake (wondering only vaguely how he could sleep) and ask him to feed the baby. He would say sure. And she would say thank you.

The Grateful Wife and the Helpful Husband danced this same *pas de deux* for a decade. When the children were small and she was sick, he would take charge. When it was their turn to carpool and she had to be at work early, he would drive. If she was coming home late, he would make dinner.

All you have to do is ask, he would say with a smile.

AND so she asked. The woman who had minded her Ps and Qs as a child minded her pleases and thank yous as a wife. Would you please put the baby on the potty? Would you please stop at the store tonight for milk? Would you please pick up Joel at soccer practice? Thank you. Thank you. Thank you.

It is hard to know when gratitude first began to grate on my friend. Or when she began saying please and thank you dutifully rather than genuinely.

But it probably began when she was tired one day or night. In any case, during the time between one job and the other, when she would run lists through her head, she began feeling less thankful for her moonlighting job as household manager.

The Grateful Wife began to wonder why she should say thank you when a father took care of his children and why she should say please when a husband took care of his house.

She began to realize that being grateful meant being responsible. Being grateful meant assuming that you were in charge of children and laundry and running out of toilet paper. Being grateful meant having to ask. And ask. And ask.

Her husband was not an oppressive or even thoughtless man. He was helpful. But helpful doesn't have to remember vacuum-cleaner bags. And helpful doesn't keep track of early dismissal days.

Helpful doesn't keep a Christmas-present list in his mind. Helpful doesn't have to know who wears what size and colors.

THE wife feels, she says, vaguely frightened to find herself angry at saying please and thank you. She wonders if she is, indeed, an ingrate. But her wondering doesn't change how she feels or what she wants.

The wife would like to take just half the details that clog her mind like grit in a pore, and hand them over to another manager. The wife would like someone who would be grateful when she volunteered to take his turn at the market, or his week at the laundry.

The truth is that after all those years when she danced her part perfectly, she wants something else. She doesn't want a helpful husband. She wants one who will share. For that, she would be truly grateful.

The Boston Globe

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First lady of tennis, Martina Navratilova, at the 1983 U.S. Open.

Will Girls Compete With Boys in Sports Someday?

When tennis star Billie Jean King suggested a few months ago that one way our high schools and colleges could increase opportunities in sports for girls and women would be to allow them to compete against men, she touched off a storm of controversy.

That was fine with her. It was exactly what she had hoped to do. She told 500 delegates to a conference on equal opportunity in sports that she was deliberately making the suggestion to be provocative.

She said that such competition may be 50 or 100 years ahead of us, but she insisted that someday women would play in the World Series, and even in the National Basketball Association championships.

The delegates, who included mostly women involved in sports as teachers, school administrators, and competitors, took no action on Ms. King's suggestion. But it certainly gave them food for thought.

For instance, Donna Shalala, the president of Hunter College in New York City, predicted that women would gain sports opportunities equal to those of men mainly because of the strong leadership being taken nowadays by female world-class athletes.

She pointed out that such champion athletes as Ms. King, Donna deVarona, Micki King, race driver Janet Guthrie, golfer Carol Mann, and swimmer Diana Nyad could have merely used their athletic careers as springboards to later success in private business.

"Instead," she said, "they are taking leadership roles in worrying about what opportunities little girls have to play sports. They are feminists."

She said that the activities of these well-known women included rounding up corporate sponsors who would support athletics for women.

Dr. Shalala may be a college president now, but she knows what she's talking about when it comes to women's sports. When she was 8, she was part of a group of girls in her neighborhood in Cleveland who were told by their coach that he could lead them to the pigtail league championship of the city if they would follow instructions and learn to play like boys. That meant throwing overhand and sliding.

Dr. Shalala said that the girls followed his instructions and did win the championship. The coach? His name was George Steinbrenner, now owner of the New York Yankees.

Another woman athlete who thinks that Billie Jean King's predictions are not so off the wall as they might seem is Eve E. Ellis, a former professional tennis player who is now the director of instructional programs at the Arthur Ashe Tennis Center in Philadelphia.

She suggests that constantly improving times for female runners indicate that perhaps sooner than many think, the gender gap in sports will close.

As she points out, Joan Benoit's time in last year's Boston Marathon, which won her the women's title, would have won the marathon outright as recently as 1956.

Cheryl Miller's ability to dunk a basketball also suggests, she says, that women will continue to perform athletic feats once thought impossible.

"Yet, despite all her accomplishments and aspirations, the female athlete remains an anomaly (contradiction)," she says. "Athletics in America is still a male activity.

"This attitude must change before the gender gap can vanish. Only when little girls train with little boys will the gap disappear," she says, quoting a remark of Billie Jean King to the effect that by competing with boys, girls would benefit from expectations for them to train harder so as to compete better.

Seeking Approval

"But the problem is larger. Little girls will train hard only when they receive approval for it."

Approval is not something that many female athletes always get today. For example, tennis champion Martina Navratilova, who has won almost $7 million in world-class tennis tournaments, was asked at a recent press conference if she used steroids to improve her performance.

The implication was that she couldn't possibly have played so well without some sort of chemical help. Ms. Navratilova glared at the male reporter in anger and replied, "I don't believe you asked me that question."

What he was suggesting was that all of the wind sprints, four-mile runs, weight training, diet, on-court workouts, and reflex training that the tennis star did every day didn't account for her performance. It had to be steroids, in his mind.

As Ms. Ellis says: "Female athletes constantly receive a double message: Be strong, but not too strong. The girl athlete is told that her participation in sports is acceptable, but her ability to excel will not be fully endorsed.

"Until a girl's victory over a boy is not seen as a humiliation for the boy or as a surprise, a joke, or a lucky event, girls will continue to receive the mixed message.

"Until we stop motivating boys by the threat of losing to a girl and stop utilizing the single factor of gender as an explanation for a particular success or failure, we limit the performance level of the girl. As a result, many female athletes never discover how strong they can become," she says.

"The gender gap in sports will close when we decide to let it close... The press, coaches, athletic administrators, and parents must realize that all young athletes will benefit from being free to strive to do their best.

"Athletes need confidence to progress. Questions and attitudes that belittle them and their training only instill self-doubt," she warns, "and self-doubt never wins events and certainly never closes gaps."

Coaching Complaints

One important area in which the gap is closing is in the quality of coaching that female athletes now get. That has long been a source of complaint because for years it has lagged behind the coaching quality that males get at most high schools and colleges.

College coaching as an occupation was almost exclusively a male occupation until the last few years. But because of the increasing number of women's teams at the varsity level, more women are now entering the business.

One of them is Jennifer Bednarek, a former star player on Penn State's women's basketball team, who began as an assistant coach at Iowa University last fall.

"Status-wise and salary-wise we don't compare to the men coaches," says the 25-year-old New Jersey woman, for whom this is the third job since her graduation in 1980. Each one has been a step up.

"This is frustrating because we are putting in the same hours, do basically the same work in coaching and recruiting and traveling all over the country. Of course the men's team here draws 16,000 (for basketball), while we had a record crowd for Iowa women's basketball the other night of 4,000," she says.

The women's head coach of basketball at Iowa is believed to make about $50,000 a year. Her assistants make about two-thirds of that. No woman comes close to the income of George Raveling, the men's head coach.

"But good things take time," says Ms. Bednarek, with a good deal more stoicism and perhaps a little more patience than people like Billie Jean King.

"Someday we will be up with the men in all those things. I'm not bothered about this at all.

"George Raveling, the men's head coach, has been wonderful to us, given us all the help he can, and always encourages us. We're not in any macho situation at all. It's just that we don't get paid as much... yet." □

BY BOB WEINSTEIN

A few decades ago, if you mentioned the possibility of women playing a major part in the armed forces to an enlisted man or officer, they would have laughed in your face.

The response would have gone something like, "There is no room for women in this man's army." You've probably heard that line in hundreds of old war movies. John Wayne must have said it at least a dozen times.

But you won't hear it any more. Times have changed and women are not only seeking careers in the armed forces, they're also playing vital roles at practically all levels of the military.

Why did the Army open its doors to women? Many reasons. Uppermost were changing attitudes towards women in the work place and the strength of the equal rights and feminist movements.

In 1972 Congress established the "all-volunteer" armed services. At the time, enlistees were desperately needed. Army, Navy, Air Force, and Marine recruiters were instructed to bring as many qualified women into the military as they could.

During the '70s, military salaries failed to keep pace with inflation, which discouraged many young men from enlisting. Often, those who did enlist were minimally qualified.

Women recruits, on the other hand, scored higher on aptitude tests and had fewer drug, alcohol, and behavior problems.

Those who took to the military began to move up in rank and into formerly male-dominated career fields such as surveying, air traffic control, helicopter pilots, decontamination and equipment repair.

In 1968, less than 50,000 women served in the military. By 1982 that figure almost quadrupled. For 1982, the number of women in the various branches of the armed forces was as follows:

Army, 74,400; Air Force, 63,590; Navy, 41,050; and Marines, 7,800. That's a total of 187,200.

Pressed by the need to meet manpower goals, the Secretary of Defense directed the various services to move quickly to open non-traditional career fields to women.

More Skill-Training

Today, 95 per cent of all skills are open to them. In 1971, about 54 per cent of all military women were in support and administrative jobs, as compared to about 35 per cent in 1981.

From 1971 to 1981, for instance, the percentage of the female military population assigned to the electronic equipment repair field increased from 1 percent to 4.8 per cent.

In the communications and intelligence fields it rose from 3.3 to 12.2 per cent; in mechanical equipment repair from 0.2 to 7.8 per cent; and in supply and services, from 1.5 to 10.3 per cent.

According to recently released government statistics, the following changes in the armed forces can be noted:

- Eleven per cent of enlisted slots are filled by women.
- Women enlistees received promotions based on testing and work skills at a 63 per cent higher rate than men.
- Ninety-one per cent of women enlistees were high school graduates, whereas only 69 per cent of the men graduated from high school.
- Despite the fact that 14 per cent of the women in the military were pregnant, they averaged only 4.22 days a year off-duty because of illness, while the men averaged 7.07 days.

Sergeant Christina Hughes has already served 10 years in the Army. To avoid the tedium of moving from job to job, Christina joined shortly after she finished high school.

"I enlisted as a computer operator," she begins. "I worked in data processing for eight years and for the past two years I've been working on a special duty assignment as a recruiter in New York."

Christina has seen many changes over the past 10 years.

"When I enlisted we were called WACS," she says. "At that point men and women did not share equal status in terms of what jobs they could work at.

"There were jobs that were off-limits to women, notably infantry, combat arms and artillery. But now we have over 360 technical jobs that are open to women. In the past, the only areas that were open to women were the administrative and nursing fields."

Today, it's very easy for a woman to find a career she enjoys, according to Christina.

"We give each woman a comprehensive aptitude test to find out where her strong and weak points are and what her career inclinations lie," she says.

"There are so many fields she can pursue, such as general mechanics, electronics, clerical, mathematical comprehension, combat arms, field artillery, food services, etc.

Some 38 specialties are closed to women because of the direct probability of combat. The Army wants to close 23 more — including carpentry, masonry, plumbing and interior electricians — for the same reason.

The Army wants highly trained people. To get them, it has some strong incentives. If you're in college, the Army will pay 75 per cent of your tuition.

"Once you reach the rank of E5 or better, the Army will pay 95 per cent of your tuition. There are also a number of college fund programs."

To lure recruits with some college under their belts, the Army promises higher rank.

"If you have 30 college credits you can come into the Army at an E3 grade," says Christina.

There are also cash bonuses you can take advantage of. "You can get as much as a $5,000 cash bonus if you successfully complete basic training and your schooling," says Christina.

Before you run to the nearest recruiter, you should understand that the Army is not giving anything away. The cash bonus is an incentive used to entice qualified applicants to join. The amount of the bonus is based upon how badly the Army needs certain skills.

"A female interrogator, for instance, is entitled to a $2,400 bonus in addition to her regular pay," continues Christina.

"For telecommunications, you can get a $2,500 cash bonus. If you're interested in a cash bonus, you have to enlist for four years. To take advantage of the college fund you have to enlist for two years."

When you join the Army, everyone starts off at the same place. Unless you have some some college credits, you're an E1 and your pay is $573 a month.

In six months you move up to an E2 grade and receive $642 a month. After that the speed at which you move up depends on you. Pay is determined by your rank and number of years in the service.

Aside from preparing you for a career, the Army meets most of your needs. The pay may not be high, but keep in mind that you will have few expenses. You get three free meals a day, comfortable quarters and plenty of free time.

"An Army base is a self-contained community," explains Christina. "There are stores, restaurants, snack bars, shops, and plenty of things to do."

Another important thing to remember about the Army is that it's not so hard to find work when you return to civilian life.

"After a couple of years in the military, you can easily transfer your skills to industry," says Christina.

"It's easy to move from the military into a federal job. As you move up in rank, you eventually move into a supervisory position, which gives you a lot more leverage when it comes time to apply for a job when you leave the military."

And if you're a career soldier like Christina, you can look forward to retiring after 20 years at full pension, plus lifetime benefits.

"There are a lot of options open to you when you retire," says Christina. "You can get a job with the military or possibly get a part-time job and go back to school. You've got a great deal of freedom. With a solid money cushion to support you, you can even go back to school full time and prepare for a new career."

Things Have Changed

Clearly the Army has changed and you can't rely on old John Wayne movies to tell you what it's like. If you're curious about the smorgasbord of options, incentive programs, and college funds, stop in at a recruiting station and they'll be happy to give you more information.

Are you Army material? Some people just aren't. Not everyone who enlists can cut the mustard. Naturally, recruiters try to weed out recruits who look like they're not going to make it.

According to statistics, women — and probably some men, too — who drop out of the Army have one or more of the following traits:

- Lack of everyday work experience.
- A desire to run away from previous relationships.
- A need to be pampered, controlled by superiors, or to alibi for misunderstandings or mistakes.
- An inability to assess your personal worth under stress or in the face of criticism.
- A tendency to take the "easy way out" of difficult situations, including those that test physical and mental resiliency.
- A lack of clearly definable career goals.

If you're *not* that sort of person, you might get a lot out of military life.◆

She Gives the Orders at Ft. Dix

If you think that 5-feet-3 Kathey Atchley has any trouble getting new soldiers to do what she says, think again. She is a drill sergeant at Fort Dix, New Jersey, and she's one of the best in the country.

Atchley, who served in West Germany before coming to New Jersey, is 31 and she finished third in a nationwide drill sergeants' competition last spring. Says she of her job molding mostly male recruits into disciplined soldiers during eight weeks of basic training:

"Most men are motivated when they see me doing the exact same things they have to do. There is nothing more intimidating than having a female drill sergeant out there running circles around you. We've had female drill sergeants since 1978, and it's been a long hard road to prove ourselves.

"It's sort of like taking children and raising them up in eight weeks," said the seven-year Army veteran. "You have to be very tough and still have the flexibility to be not so tough, depending on the individual cases. The majority of my troops have been male. They look at me and say, 'Wow, a female drill sergeant. This is going to be easy.' After about three days, they realize I'm in charge. I tell them, 'You need me to graduate.'"

NEW DAWN

Woman.
lovely name
charged with hope.
Sister.
Word that instills dignity.
Comrade.
mother,
friend,
beloved.
So many names for a being
with such creative hands,
a heart full of solidarity,
a beautiful voice
silenced for so many years
but now willing to shout out
against injustice,
willing to sing of hope.

Woman.
good friend.
together we dream of a new dawn.
With your experienced hand
in my new one,
let us sweep away oppression;
let us lovingly wash
our children's hungry faces.
Woman, sister, comrade,
let us together weave
a huge coat
to warm our old people.
Together let us weave
a patchwork quilt
of love and kindness.
Together, woman,
let us, you and I,
cook a huge dinner
for all the hungry of the world.
Woman,
good friend,
let us dream together
of a new tomorrow.

—Escario Sosa Rodriguez

Companera (Nov.-Dec. 1987)
Caracas, Venezuela

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VICTIMS, THE FORGOTTEN PEOPLE?

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INTRODUCTION

This lesson is a part of an overall study, focusing on the problems of victims in our judicial system. Through a variety of student involvement activities it looks at the consequences of crime on victims, what rights victims have, and the relatively new concept of victim compensation.

Many people in our American society believe that victims of crime are the forgotten people in our judicial system. Over the years Constitutional safeguards have been enacted to protect the rights of the individuals accused of a crime. But what rights do victims have? Recently the Federal government, as well as many of the state legislatures have passed laws recognizing victims rights. Victim organizations and some elected officials are working to see that victims are helped and protected. In one out of every three households, someone is a victim of crime. Therefore it is important for students to spend some time looking at victims of crimes and how they are treated in the judicial system.

AUDIENCE

This unit was developed for ninth grade civics classes but could be used for ninth through twelfth grade students.

TIME TO COMPLETE

Students will need to do some research on their own time. Four class periods will be needed to conduct the lesson.

GOALS

As a result of this lesson, students will:

- recognize who is affected by crime;
- discuss and analyze some of the consequences of crime on victims;
- summarize information gathered from a survey and draw warranted conclusions;
- understand the basic guidelines set forth in victim compensation laws.

MATERIALS

1. Teacher handouts:
   a. "Avenging a Murder" article from Dec. 4, 1987 issue of *Scholastic Update*
   b. Survey forms for students to conduct interviews
   c. Copy of a state "Victim Compensation Law" (Colorado's state law is used here)
2. Newspaper articles of specific crimes which deal with victims, such as robbery and assault stories.

PROCEDURE, PART ONE

Day One

1. Distribute copies of recent newspaper articles on crimes such as robbery, assault, or even murder.
2. Have each student write down the answers to the following questions for each of three articles:
   a. Who do you think is affected by the crime in these articles?
   b. What are some of the consequences for these victims?
   c. How would you feel if you were any of these persons? How would you feel in ten years?
3. Lead the class in a discussion about the harmful effects of crime on the victim. Help them to develop a list of some of the victims' consequences of crime. Some of the consequences can be:
   a. loss of personal property including treasured sentimental items
   b. physical pain and suffering
   c. emotional pain and lingering fear
   d. loss of a job because of injuries
   e. extreme stress on family members, perhaps even a breaking up of the home
   f. loss of means of transportation
4. Distribute copies of a survey on crime and ask each student to interview two friends or neighbors to find out how they may have been affected by crime. Have the survey due in two days (Handout #1).

PROCEDURE, PART TWO

Day Two

1. Distribute the December 4, 1987 issue of *Scholastic Update*, "Avenging a Murder."
2. Read the short article aloud to the class and lead a discussion on students' reactions and feelings to the article.
3. Distribute copies of your own state's "Victim Compensation Law," or the handout attached to this lesson (Handout #2). Have the students answer the following questions:
    a. Who qualifies as a victim and is entitled to compensation?
    b. Who does not qualify for compensation?
    c. Why do you think persons must qualify for compensation?
4. Lead a discussion on what some communities and victim organizations are trying to do to help victims. Ask the students to make suggestions.

PROCEDURE, PART THREE

Day Three

1. Have the students share the results of their crime surveys. Collect and tabulate all the data onto the blackboard.
2. Divide into groups of four students each and have the students analyze the information gathered in the survey. Ask the students to summarize the information into two or three short categories. Each group will share an oral report with the class.
3. Inform the class that there will be a guest speaker tomorrow; a victim of a crime. (In this case it was a victim of a burglary and robbery, but it could be almost any victim of a crime, or a relative of a crime victim.)

    Ask the students to come prepared with questions such as:
    a. How did you feel as a victim?
    b. What do you think can be done to help victims?
    c. Do you feel you were treated fairly by the judicial system?

PROCEDURE, PART FOUR

Day Four

1. Introduce the speaker (it could easily be a panel of several speakers). Have the person tell his/her story in his/her own words.
2. Allow ample time for student questions. Be prepared to assist in directing questions if needed.
3. Lead the students in a discussion of the rights of victims. Encourage your speaker (whom you should have talked to in advance) to participate in this discussion.
4. Have the students brainstorm a list of ideas for helping victims. Using this list of ideas, conduct a debate on the pros and cons of each idea.
5. Have the students choose the three ideas that they think are the most important listing, also the reasons they feel they are important.
6. **Debriefing:** Gather information and determine if the goals have been met. To accomplish this task, students need to write a short paper addressing the following questions:
    a. Who is affected by crime in American society?
    b. What can be done to help victims?
    c. Who should pay the costs of crime?
    d. Should victims be given more rights?
    e. What have you learned from this lesson?

EVALUATION

The students are graded on all of the written work they do, as well as their participation in class discussions, and their work in small groups. Their final paper will determine whether they understood the concepts and material.

TIPS FOR THE TEACHER

- Prepare your students for the highly emotional impact of these lessons, especially interviewing victims and hearing the speaker talk about his/her experiences as a victim.
- You need to be sensitive and considerate of your students as they may also have been victims of crime.
- If possible, invite someone from the district attorney's office to speak about the Victim Compensation Law in your state.

BIBLIOGRAPHY

Arbetman, Lee, Edward McMahon, and Edward O'Brien. *Sreet Law: A Course in Practical Law*. 3rd ed. St. Paul: West Publishing, 1986.

"Avenging a Murder." *Update* Magazine: Scholastic, Inc., December 4, 1987.

Colorado Crime Victim Compensation Act, Colorado State Legislature, 1982.

President's Task Force on Victims of Crime, *Final Report*, 1982.

U. S. Department of Justice, Office of Justice Programs, Office for Victims of Crime, *Victims of Crime: Proposed Model Legislation*, Section X, 1986.

AVENGING A MURDER

Darryll Thompson still wakes up at 4 a.m. sometimes, afraid to look at the clock. Nine years ago, the police woke Thompson with a phone call in the middle of the night. They wanted him to come identify his son's body. "I looked at that ambulance with its lights off." Thompson remembers, "and I knew Bunky would not be back."

On April 15, 1978, 16-year-old Darryll "Bunky" Thompson, Jr., worked his first day at a roller-skating rink in Montgomery, Alabama. After the rink closed, the owner went home and left Bunky and 14-year-old Jeffrey Smith to clean and lock up. Jerome Berard, an 18-year-old who had recently been fired from the rink, knocked on the door. Jeffrey, who had worked with Berard, let him in. Berard pulled out a pistol and shot Bunky and Jeffrey to death.

That April night was the beginning of nine years of horror for the Thompson family. During those years, they watched Bunky's murderer escape conviction in two trials because of legal technicalities.

In October, 1978, a jury in Montgomery found Berard guilty. The judge sentenced him to death. But that year, the Supreme Court ruled that an Alabama death sentence must be handed down by a jury—not a judge. Berard had to be retried. Because of a backlog of cases, the case waited until February, 1982.

This time, a new jury found Berard guilty and sentenced him to death. But Alabama's Supreme Court ruled that the prosecutor had acted improperly and ordered yet another trial. It had to wait until September, 1986.

Finally, the Thompsons agreed to trade the death penalty for a life sentence with no parole if Berard would plead guilty. He did, and is now in prison.

The ordeal convinced the Thompsons that the legal system often neglects the rights of crime victims. They formed a group called Victims of Crime and Leniency (VOCAL). VOCAL helped get new victims'-rights laws passed in Alabama. "When we had our first trial," says Darryll Thompson, "all the jury saw was the defendent all cleaned up." A new law now allows the crime's victims to sit in the of the courtroom with the prosecution. "It gives the jury something to think about," says Thompson, "because they see the effect of the crime right there on our faces." —D.O.R.

Scholastic Update, December 4, 1987

HANDOUT #2

CRIME SURVEY

	Person #1	Person #2	
Yes	_____	_____	1. Have you or a relative, friend, or neighbor ever been a victim of crime?
No	_____	_____	
	_____	_____	2. What kind of crime was committed?
	_____	_____	3. Where did the crime take place?
	_____	_____	4. How old was the victim when the crime took place?
Yes	_____	_____	5. Was the victim injured physically as a result of the crime?
No	_____	_____	
Yes	_____	_____	6. Was property taken in the crime?
No	_____	_____	
Yes	_____	_____	7. Did the victim ever get the property back?
No	_____	_____	
Yes	_____	_____	8. Was the crime ever reported to the police?
No	_____	_____	
Yes	_____	_____	9. Was the victim treated fairly by the judicial system?
No	_____	_____	
	_____	_____	10. What should be done to help victims of crime?

HANDOUT #3

A condensed version of Colorado's Victim Compensation Act of 1984.

ARTICLE 4.1

Colorado Crime Victim Compensation Act

PART I

COLORADO CRIME VICTIM COMPENSATION ACT

24-4.1-100.1. **Short title.** This part I shall be known and may be cited as the "Colorado Crime Victim Compensation Act".

24-4.1-101. **Legislative declaration.** The general assembly hereby finds, determines, and declares that victims of crime suffer economic detriment as a result of such crime and that victims may have no enforceable remedies at law.

24-4.1-102. **Definitions.** As used in this Part I, unless the context otherwise requires:

(1) "Applicant" means any victim of a compensable crime who applies to the fund for compensation under this Part I.

(2) "Board" means the crime victim compensation board in each judicial district.

(4) "Compensable crime" means an intentional, knowing, reckless, or criminally negligent act of a person that results in bodily injury or death of another person or results in loss of or damage to eyeglasses, dentures, hearing aids, or other prosthetic or medically necessary devices and which, if committed by a person of full legal capacity, is punishable as a crime in this state.

(6) "Economic loss" means economic detriment consisting only of allowable expense, net income, replacement services loss, and, if injury causes death, dependent's economic loss.

(8.5) "Property damage" means damage to windows, doors, locks, or other security devices of a residential dwelling and includes damage to a leased residential dwelling.

(10) "Victim" means a person who suffers property damage as a result of compensable crime; is killed or injured in this state as a result of a compensable crime perpetrated or attempted against him; is killed or injured in another state as a result of a compensable crime that began in this state; or is killed or injured in this state while attempting to assist a person against whom a compensable crime is being perpetrated or attempted, if that attempt of assistance would be expected of a reasonable man under the circumstances.

24-4.1-103. **Crime victim compensation board - creation.** (1) There is hereby created in each judicial district a crime victim compensation board.

(b) Loss of earnings;
(c) Outpatient care;
(d) Homemaker and home health services;
(e) Burial expenses;
(f) Loss of support to dependents;
(g) Mental health counseling.

(1.5)(a) Losses compensable under this Part I resulting from property damage include:

(I) Repair or replacement of property damaged as a result of a compensable crime; or

(II) Payment of the deductible amount on a residential insurance policy in an amount not to exceed one hundred dollars.

(b) The victim's recovery under this Part I due to property damage shall not exceed two hundred fifty dollars for each compensable crime; but in no case shall a loss be compensable if the aggregate property damages are less than twenty-five dollars.

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24-4.1-111. **Compensation to relatives.** (1) A relative of a victim, even though he was not a dependent of the victim, is eligible for compensation for reasonable medical or burial expenses for the victim, if:

(a) Such expenses were paid by him; and

(b) He files a claim in the manner provided in this Part I.

24-4.1-117. **Fund created - control of fund.** (1) The crime victim compensation fund is hereby established in the office of the court administrator of each judicial district for the benefit of eligible applicants under this Part I.

(2) The fund shall consist of all moneys paid as a cost levied on criminal actions, as provided in section 24-4.1-119, any federal moneys available to state or local governments for victim compensation; all moneys received from any action or suit to recover damages from an assailant for a compensable crime which was the basis for an award of, and limited to, compensation received under this Part I; and any restitution paid by an assailant to a victim for damages for a compensable crime which was the basis for an award received under this Part I, and for damages for which the victim has received an award of, and limited to, compensation received under this Part I.

24-4.1-104. **District attorney to assist board.** The district attorney and his legal and administrative staff shall assist the board in the performance of its duties pursuant to this Part I.

24-4.1-105. **Application for compensation.** (1) A person who may be eligible for compensation under this Part I may apply to the board in the judicial district in which the crime was committed.

(2)(a) In order to be eligible for compensation under this Part I, the applicant shall submit reports, if reasonably available, from any physician who has treated or examined the victim at the time of or subsequent to the victim's injury or death.

(b) In order to be eligible for compensation for property damage under this Part I, the applicant shall submit a report or case number, if reasonably available, from a law enforcement agency which shall set forth the nature of the property damage which is the result of a compensable crime.

24-4.1-108. **Awarding compensation.** (1) A person is entitled to an award of compensation under this Part I if:

(a) the person is a victim or a dependent of a victim or a successor in interest under the "Colorado Probate Code" of a victim of a compensable crime which was perpetrated on or after July 1, 1982, and which resulted in a loss.

(b) The appropriate law enforcement officials were notified of the perpetration of the crime allegedly causing the death of or injury to the victim.

(c) The applicant has cooperated fully with law enforcement officials in the apprehension and prosecution of the assailant.

(d) The victim and his assailant are not sharing the same household.

(e) The death of or injury to the victim was not substantially attributable to his wrongful act or substantial provocation of his assailant; and

(f) The application for an award of compensation under this Part I is filed with the board within one year of the date of injury to the victim.

(1.5) A person is entitled to an award of compensation for property damage under this Part I if:

(a) The person is a victim of a compensable crime which was perpetrated on or after July 1, 1983, and which resulted in property damage.

(b) The appropriate law enforcement officials were notified of the perpetration of the crime causing property damage.

(c) The applicant has cooperated fully with law enforcement officials in the apprehension and prosecution of the assailant.

(d) The application for an award of compensation for property damage under this Part I is filed with the board within six months of the date of property damage.

24-4.1-109. **Losses compensable.** (1) Losses compensable under this Part I resulting from death of or injury to a victim include:

(a) reasonable medical and hospital expenses and expenses incurred for dentures, eyeglasses, hearing aids, or other prosthetic or medically necessary devices.

BEST COPY AVAILABLE

WHO GETS THE LIVER?

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INTRODUCTION

This activity involves students in a problem solving exercise which requires them to develop a set of standards to be used in determining who will receive an organ transplant when there are an insufficient number of vital organs to meet the demand. The students are also asked to apply the standards they have developed to real or hypothetical situations and to defend their decisions by considering the concepts of triage, random selection either by lot or on a first come, first served basis, and the "equal protection" and "due process" clauses of the First and Fourteenth Amendments to the Constitution.

RATIONALE

Because there are moral, ethical and legal implications involved in human organ transplantation, rational social planning is needed to deal with these issues. Many of the states, as well as the federal government, are involved in legislative procedures that are shaping the legal aspects of this issue. This activity could be used during a unit on the protection of the Bill of Rights as extended through the Fourteenth Amendment. It could also be used in discussing triage versus random selection, and perhaps even the principle of equity.

AUDIENCE

This activity is most appropriate for students in grades ten, eleven, and twelve. However, it can be modified for use with younger students.

TIME TO COMPLETE

The estimated time necessary to complete this lesson is five class periods.

GOALS

As a result of this lesson students will:

- develop the critical thinking skills of evaluation, problem solving and rational decision making;
- increase their understanding of the First and Fourteenth Amendments, the concepts of triage versus random selection, and the principle of equity;
- appreciate the value of developing and applying a set of standards to specific instances in order to make rational decisions;
- understand the need for rational social planning for the future.

MATERIALS

1. Three actual or hypothetical cases describing the characteristics of persons who have received or are waiting to receive organ transplants are needed. Actual cases are readily available in various magazines and newspapers and can be located by using the "Reader's Guide." Some suggested cases are listed in the appendix to this lesson plan.
2. A copy of the Uniform Anatomical Gift Act which can be found in several sources. It is contained in both George W. Miller's book *Moral and Ethical Implications of Human Organ Transplants* and in Catherine Lyons' book *Organ Transplants; The Moral Issues*. A copy may also be obtained by contacting the National Conference of Commissioners on Uniform State Laws.
3. A copy of the National Organ Transplant Act of 1984.
4. A copy of any legislation currently pending in one's State that deals with organ transplantation. Such information can usually be obtained by contacting the Attorney General's office.
5. A copy of *United States v. Holmes*, 26 Fed. Supp 3. 360 (Circuit Court. E.D. Pennsylvania), (1842).
6. A copy of the videotape or film "The Right to Live: Who Decides?" from Learning Corporation of America is a part of the "Searching for

Values" series. This is a seventeen minute film based on the issues in *U.S. v. Holmes* cited above. This tape/film is scheduled for day two of the lesson (See Day Two).

7. Invite a lawyer, a doctor, a member of the clergy, a legislator, and a philosopher to participate in a panel discussion on the criteria for choosing organ transplant recipients. If a recipient or a member of a recipient's family is available in your community they would also make an ideal participant on the panel. This presentation is scheduled for the third class session (See Day Three.)

PROCEDURE, PART ONE

Day One: Introduction

Create a situation in your classroom where student demand exceeds the resources available. Such an activity will help the students understand the techniques of problem solving and the need for rational social planning when demand exceeds supply. The following situation is offered as a possibility for this exercise.

1. Before class begins remove several (three to four) student desks from the room. Make sure that there will be too few seats to accommodate the entire class. When the students begin to arrive explain that the class will be short a few desks for a while and that they should sit in any available seat.
2. When you are ready to begin class start by discussing what to do about the obvious shortage of seats. Students will have a variety of suggestions ranging from "first come, first serve" to "let's just go get some more desks." Write the suggested solutions down on the chalk board or have a recorder write them down. When you think the students have exhausted the possibilities ask the class to categorize their suggestions using such themes as random selection, triage, idealistic, and undesirable or unworkable.
3. Ask the students for suggestions on how to choose a solution. Here again one can expect a variety of answers ranging from "let's vote" to "let the teacher pick the best one." Select a method for choosing a solution to the problem of a shortage of desks, apply the method, and then implement that solution. Remember to evaluate the results with your students and be ready to choose a new solution if necessary.
4. In preparation for the next class ask students to identify as many situations as they can in which demand exceeds supply in our society today.

PROCEDURE, PART TWO

Day Two: Transition

1. Ask students to share the scarcity situations they were able to think of with the rest of the class. Write these examples on the board.
2. Conduct a discussion on how society deals with these situations. After discussing some ideas focus on the fact that in many instances relevant criteria are identified and then standards are established by which petitioners are judged. Explain that this process is considered to be rational social planning.
3. If the issue of organ transplants has not been suggested, introduce it yourself by pointing out that this is an area where demand is greatly exceeding supply. Ask the students to identify criteria they consider relevant to this issue. The following questions should help them in this task:
   - What do you want to know about a potential recipient in order to judge whether that person should receive an organ transplant?
   - When everyone in a life and death situation cannot be saved, how should one decide who will live and who will die?
4. Have the students write down their answers to these questions. These answers will become the basis for their questions for the panelists during the next class and will also serve as a foundation for the standards they will be developing during the fourth class session.
5. When the students have finished writing ask them to share their criteria with the rest of the class. Write several of their answers on the board and discuss them briefly. Ask the students to categorize the types of criteria they have identified. Some possibilities include bio-medical concerns, moral and ethical issues, and legal issues.
6. The teacher needs to inform the students about the Uniform Anatomical Gift Act, The National Organ Transplant Act, and any State statute that deals with organ transplants. The teacher can either inform the students about the contents of these laws or provide the students with copies. The important point is that the students become familiar with the relevant content of these laws. In addition, it is recommended that the students be informed of the maritime rule of random selection to determine who will live and who will not that was established in *United States v. Holmes*, 1842. The showing of the video/film "The Right to Live: Who Decides?" would be most appropriate at thi time. It is based on the facts in *U.S. v. Holmes*.

7. Explain to the students that during the next class session a panel discussion will take place. Inform the students as to who will be participating. Instruct the students to be prepared to ask the panelists about the criteria they have identified, as well as any questions they may have regarding the existing statutes and the case of *United States v. Holmes*, 1842.

PROCEDURE, PART THREE

Day Three: Panel Discussion

1. The size and make-up of the panel will depend upon whom the teacher has invited to participate. The most logical participants include experts from the medical profession, the legal profession, a member of the clergy and a legislator. If an organ transplant recipient or a member of a recipient's family is available in one's community, they would be a valuable and exciting addition to the panel.
2. Ask each member of the panel to give the students an overview of the issue of organ transplant from their own point of view. Encourage the panelists to focus on the criteria for identifying recipients of vital organs. The teacher should ensure that the students have an opportunity to question panel members concerning those criteria they have identified as important. Remember, the students are going to be asked to develop a set of standards that can be used to determine who will receive an organ transplant when the demand exceeds the supply.
3. Ask the panelists if students may contact them with other questions should they have any. If the panelists are agreeable be sure to get a phone number and/or address where they can be reached.

PROCEDURE, PART FOUR

Day Four: Application

Ask the students to develop a set of standards to be used in determining who will receive an organ transplant when supply exceeds demand. The students should refer to the criteria they have identified during the previous class sessions. As the students work on their standards encourage them to consider some or all of the following issues:

- Strictly medical criteria including the critical need of the patient, a reasonable chance for success due to tissue matching, and reasonable hope that the patient's quality of life will improve if the transplant is successful.
- Legal criteria including choosing people as permissible by law, focusing on the protection of the Fourteenth Amendment's equal protection and due process clauses.
- Moral and ethical criteria including the concepts of triage and random selection as well as the amount of responsibility society provides and the recources necessary for this type of treatment.

2. When the students have finished writing down their standards give them three actual or hypothetical cases that describe patients who desire the same organ transplant. An outline describing the circumstances of each patient needs to be prepared by the teacher so the students will have the information they need to complete the assignment (Refer to the appendix for suggestions of cases). The students are to apply their standards to these three cases and decide who should be the first to receive an organ transplant. For the next class students are to be prepared to explain their decision regarding the three patients and how they arrived at that decision. The teacher may want to make this a written assignment.

PROCEDURE, PART FIVE

Day Five: Debriefing

1. Ask several students to share their decisions with the rest of the class. Discuss these decisions in light of the medical, legal, moral and ethical criteria suggested in the procedures for Day Four.
2. The teacher may also want to raise the issue of equity with the students. That is, do either of the two patients who did not receive the top priority designation have a right to prevent the other patient from getting a transplant until the matter can be heard by a court? Does a patient have any legal recourse in trying to improve his/her standing on the priority list?
3. Review of the process that has been used to arrive at the standards the students have defined. The following questions serve as a review:
   a. When demand exceeds supply in our society how do we determine who gets what?
   b. What criteria are important in determining who should receive an organ transplant?
   c. What does the Uniform Anatomical Gift Act say about recipients of organ transplants?
   d. What do the statutes of your State say about recipients of organ transplants?
   e. What principle was determined by the Circuit Court in *United States v. Holmes*, 1842?

f. How might a patient use the First and Fourteenth Amendments to challenge a set of standards that are applied to him/her in determining whether or not and when he/she receives an organ transplant?
g. What is the concept of triage?
h. What are two common procedures used in the random selection process?
i. What is the principle of equity?

EVALUATION

There are numerous opportunities for the teacher to evaluate the students' performance during this lesson. Here are a few suggestions:

- Administer a quiz for using on the content of the panel discussion held on Day Three.
- Grade the set of standards developed by each student on Day Four.
- Grade the exercise in which the students were asked to apply their standards to three cases on Day Four.
- Assign some or all of the questions included in the debriefing exercise on Day Five. Grade these.
- Administer an exam covering the content of the entire lesson.
- Evaluate the students' participation in class discussions and their questioning of the panel.

TIPS FOR THE TEACHER

- The amount of time needed for each of the segments of this lesson may vary depending upon individual classes. Be flexible when scheduling. However, the teacher needs to plan carefully for the panel discussion. If he/she is not able to complete all of the procedures for Day Two they can be continued following the panel discussion on Day Three.

At the end of this lesson it would be helpful to discuss how fast technology is advancing and because of this fact new issues are constantly arising. Some of the issues that students have raised may become moot in the near future. As difficult as it may seem, our society must always be ready to adjust to change. The fact that we have been able to do so has always been one of the beauties of our legal system.

BIBLIOGRAPHY

Dedek, John F. *Contemporary Medical Ethics*. New York: Sheed and Ward, Inc., 1975.

Evans, Harold. "The Misplaced Miracles." *U.S. News & World Report*, August 18, 1986, p. 64.

Miller, George W. *Moral and Ethical Implications of Human Organ Transplants*. Springfield, Illinois: Charles C. Thomas, Publisher, 1971.

Lyons, Catherine. *Organ Transplants The Moral Issues*. Philadelphia: The Westminster Press, MCMLXX.

Fischer, Arlene. "Time is Running Out for Amy." *Redbook*, April 1986, p. 26.

Hudis, Jan. "The Organ Game." *Health*, October 1986, p. 61.

Quinn, Hal. "A New Life for Lindsay." *Macleans*, February 18, 1985, p. 50.

HANDS ON — THE LEGISLATIVE PROCESS

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INTRODUCTION

This lesson gives students a chance to be a part of the legislative process, from the conception of an idea for legislation to the final vote in the legislative body. This lesson can be adapted to federal, state, county, or local governmental bodies. This lesson plan is not a simulation and will require a substantial amount of planning time and class time. The final product can not be measured by the successful implementation of the legislation but rather the stimulation of students to learn the legislative process through firsthand experiences.

RATIONALE

Students learn best through lessons which combine hands on activities with a relevant topic. In this, the bicentennial years, it seems a particularly opportune moment to focus our students' attention on the Constitution of the United States, our State Constitutions, and our local laws and statutes.

This lesson brings these Constitutions alive in their fullest contexts, by sponsoring legislation that directly affects each person involved in an educational atmosphere. While the legislative programs developed for this lesson should vary according to student interests, location, age, and level of government, this lesson plan will deal with the legislation sponsored by junior high students in a New Hampshire community and submitted to our state legislature for consideration.

AUDIENCE

This activity is designed for junior high/middle school students.

TIME TO COMPLETE

The time expended in this lesson can be substantial, but could be dramatically cut and tailored to suit any grade level. While the focus may be on the legislative task, the time devoted to the functions of writing, research, interviewing, statistical gathering and analysis, public speaking, drawing, and critical thinking skills will translate to time well spent.

GOALS

The legislation involves the safe disposal of hazardous chemicals and wastes which are used and sometimes created in classrooms across our state. The intent will be to create legislation which sets and maintains basic guidelines for schools to follow in our state.

We have termed this potential piece of legislation as "non-threatening" because we believe that each school district in this state feels a responsibility to safely dispose of potentially toxic wastes.

However, there is not at this time, a uniform set of state guidelines to aid school districts in implementing this disposal. Thus, as a result of this lesson students will:

- establish uniform code of safe disposal that would serve as a model for all school districts within this state;
- serve as a model for other states to follow if there is no existing code for public educational institutions in their respective areas of jurisdiction;
- develop an understanding of the legislative process and an appreciation of the relationship between the three branches of government — legislative, executive, and judicial;
- develop this program through an interdisciplinary approach which combines the talents of the social studies, language arts, science, math, and art departments;
- develop an understanding of the teamwork necessary to design a proposal and follow that proposal to its conclusion.

PROCEDURES

Students will prepare a bill that uniformly details procedures for the safe disposal of toxic materials from school science laboratories. The time frame for this project, in terms of actual class periods for the separate and combined classes will be as follows:

- Investigation of the existing legislation (Social Studies function) — two days
- School visitation by disposal experts — two days
- Field visitation at a toxic waste disposal site (Science Department function) — one day
- School visitation by legislators regarding the legislative process (Social Studies) — two days
- Create, distribute, collect and compile a survey of representative schools on the existence of toxic wastes and the methods used to dispose of them (Math and English, Department functions) — four days
- School visitation by judicial representative to discuss interpretation and enforcement of the students' bill (Social Studies) — one day
- Students write the bill (Social Studies, English, and Math) — two days
- Submit the bill to the State Legislature through the legislative sponsors
- Lobbying effort (English)
  a. Letters to legislators (emphasis on Committee members) — two days
  b. Letters to Executive Branch — one day
  c. Lettters to area schools seeking support — two days
  d. Creation of posters, buttons, bumper stickers, handouts, etc. (with Art and Graphic Art Departments) — two days
  e. Produce Public Service Announcement for radio broadcast — two days
  f. Letters to Editors of area newspapers — one day
  g. Field experience at State Capitol for lobbying effort (lunch with key Legislators and Executive leaders) — one day
- Field experience of attending comittee meetings for student testimony (Social Studies) — one day
- Students from this school,
- Students from other schools in this state.
- Expert testimony.
- Field experience for final legislative vote, pending committee approval (Social Studies) — one day
- Reception for participants, legislators, parents, administration, and media. — one day

The total time frame would be approximately twenty-eight class days, with much of the work being shared in an inter-disciplinary approach. The actual time spent on task each day will vary with the ability level of the students as well as the time needed to complete each aspect of the program. However, depending on a number of factors — availability of speakers, field experiences, etc., — this could conceivably be extended by as much as seven days depending on the enthusiasm of the participants in procuring speakers, etc.

We believe that what we have presented is a program that best exemplifies the spirit of the Founding Fathers who authored our Constitution and created a document which encourages an active and informed citizenry.

This entire program will be videotaped and developed into a video record to be used in developing future programs, and as a learning tool outlining the legislative process. This tape will be made available to other schools.

EVALUATION

We purposely are not evaluating the success of the lesson on the passing of new legislation, but will evaluate the students on their understanding of the processes involved. Further evaluation will involve analysis of improvements in writing skills, public speaking, critical thinking skills, research and statistical analysis, and any other measurable skills as identified by the instructors involved in the interdisciplinary team. Of course, while difficult to measure, the most obvious benefit of this lesson will be the individual enthusiasm generated on the part of students caught up in the excitement of citizen participation.

YOU ARE THE SUPREME COURT: DECIDE!

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INTRODUCTION

This lesson uses large and small group work to facilitate understanding of the First and Fourth Amendments. Students will be given the basic facts of three recent court cases and then the class, as a whole or in groups, will act as the Supreme Court and give its ruling on each. After the class has ruled, it will be informed of the real High Court's decisions. As the students progress through the three cases, they will be able to see an evolution in constitutional interpretation, especially from the concepts put forth in *Tinker v. Des Moines Independent Community School District* (1969) to the ones developed in *Hazelwood School District v. Kuhlmeier* (1988). Students should read the First and Fourth Amendments before beginning this lesson.

RATIONALE

It is extremely important that students understand their rights under the First and Fourth Amendments not only as adults, but as students. For many students, this will be a controversial lesson and will force them to develop opinions of their own. The intent of the lesson is to use techniques of basic knowledge, comprehension, and application, as well as analysis, synthesis, and most importantly evaluative techniques. It may be taught during the judicial section of a government or civics course, or when discussing the Constitution and amendments in a U.S. history, government, or civics course.

AUDIENCE

This lesson is appropriate for students in middle school through high school.

TIME TO COMPLETE

One class period for each case for a total of three days.

GOALS

As a result of this lesson students will:

- understand the First and Fourth Amendments and how they apply to students, as well as to adults;
- developed their own opinions and be able to compare them to the law of the land;
- interact with other group members;
- understand how difficult it is for the Supreme Court to make a ruling;
- understand how decisions evolve in the High Court.

MATERIALS

This lesson plan with Appendices.

PROCEDURE

1. Discuss the First and Fourth Amendments. Emphasize the ideas of freedom of expression, freedom of the press, and freedom from unreasonable search and seizure without PROBABLE cause. Explain to the students that for the next three days the class is going to discuss some court cases and they are going to sit as the Supreme Court. They will make their decisions based on their knowledge of the First and Fourth Amendments. After the class has voted and settled the first case, the teacher will explain what the Supreme Court of the United States did. Based on that decision, and the students' knowledge of the First and Fourth Amendments, they will repeat the process with a second and then a third case. Begin by reading the first court case in Appendix One (or distribute copies of it). Discuss the case. Involve the students in the discussion. Try to pick out leaders on each side who have opposite points of view. If you wish, allow them to form groups to discuss and develop arguments to support their point of view. In each case make sure that the students understand the issues before the court. For example, in *T.L.O.*, should the standard be different for a school search than for a search of an adult accused of crime? What is the difference between "probable" and "reasonable" cause? As students discuss the

case, you may want them to list the facts of the case. If they are in groups (and especially in the higher grade levels), you may want them to write majority and minority decisions. When discussion has stopped, have the class vote. Compare that vote with the decision of the Court found in Appendix Two. Read the decision or distribute copies of it. This concludes the first case. Appendices Three and Four concern the second case, while Appendices Five and Six deal with the third case.

2. **Debriefing**

You could use a number of questions to debrief students.

a. Before *T.L.O.* what was the basis for deciding free speech cases?
b. In light of today's Court interpretations, how do students' and adults' freedom of expression and illegal search and seizure differ?
c. How does your interpretation of the First and Fourth Amendments compare to the Court's interpretation?
d. What kind of problems do you feel that the Court faces in determining what the Constitution says?
e. What are the major differences between the *Tinker* and the *Hazelwood* decisions?
f. If a number of students put up a banner protesting the CIA's activities in South America, would the principal with support from the school board be able to force them to take it down? Why?
g. Could you as a Supreme Court justice keep your own personal opinions out of your decisions? Should you keep your personal opinions out of your decisions?
h. In light of decisions already made, where is the Supreme Court headed on this issue?
i. How do these decisions affect you as a student?
j. How does your opinion compare with what it was before you began this lesson?

EVALUATION

There are a number of ways to evaluate this lesson. On the most basic level, the teacher could construct an exam testing the basic facts. Using higher level thinking skills, the students develop an essay or oral presentation discussing how the student agrees or disagrees with the decisions of the Court or how the criteria of "reasonableness" evolved through the three cases.

TIPS FOR THE TEACHER

- This lesson depends on group interaction. Groups should be put together carefully, making sure that even the least able students may give input. Care should be taken to make sure students understand the terminology used.
- Other court cases may be discussed using this process. An excellent source to find further discussion of cases is through the Civil Liberties Union of Massachusetts, 19 Temple Place, Boston, MA 02111.

BIBLIOGRAPHY

"Excerpts From Opinions Ruling on Censoring High School Newspaper," *New York Times, January 14, 1988.*

"Hazelwood: Censorship Upheld," *Bill of Rights Network*, Volume 1 (Winter 1988).

"'Reasonableness'—The High Court's New Standard for Cases Involving Student Rights," by Lowell C. Rose, *Phi Delta Kappan* (April 1988).

The United States Law Week, January 12, 1988.

APPENDIX ONE

T.L.O. v. New Jersey (1985)

A teacher at a high school discovered a fourteen year old student and a friend smoking cigarettes in the school bathroom. Smoking was a violation of school rules. The teacher took them to the Assistant Vice Principal. The students denied that they were smoking and insisted that they never would smoke. The Vice Principal demanded to see her purse. Glancing into it, he found a package of cigarettes and a package of cigarette rolling papers commonly associated with the use of illegal drugs such as marijuana. The Vice Principal decided to search the purse thoroughly. He found some marijuana, a smoking pipe, a large quantity of money, plastic bags, an index card showing that a number of students owed her money, and two letters that indicated that she was selling drugs to other students.

The State brought delinquency charges against the accused student. The attorney for the student stated that the evidence found in her purse was not obtained legally and requested that it not be used against her. The lower courts refused and she was adjudged to be delinquent. The New Jersey Supreme Court reversed the decision and held that the search of the purse was unreasonable.

Subsequently, this case went before the Supreme Court. The issue which was before the Court was

whether the search violated the student's rights under the Fourth Amendment, specifically as it pertained to illegal search and seizure. The Court set a standard that was needed to justify a student search in a school. The Court questioned, should the standard for a school search be different than the search of an adult accused of crime? Further, the Court decided whether the legality of a search should be based on "PROBABLE cause," "substantial basis" or "on REASONABLE cause under the circumstances." In most Fourth Amendment cases, the standard of probable cause would be used. The second standard, the "substantial basis," is a middle-level standard. The third and lower standard is the standard of "reasonableness." You decide the case.

APPENDIX TWO

SUPREME COURT DECISION IN *T.L.O.*

The Supreme Court ruled that the actions of the school were legal and that the search of the girl's purse was reasonable. The Court held that the Fourth Amendment applies to school searches, but, instead of being surrogates for parents, school officials were representatives of the state. The Court made a distinction using the term "reasonableness." School officials do not need "probable cause" to search a student's belongings if there is a "reasonable suspicion" that the student has broken or is breaking the law or school rules. The Court, in effect, ruled that students have no reasonable expectation of privacy when it comes to their school lockers as long as there are "reasonable grounds" for the search. This case involved two searches: first, the search for cigarettes, and then, search for marijuana. In the Court's opinion, since the girl's purse was the "reasonable" place to hide cigarettes, then it was legal to search it. When cigarette papers, which are often used with illegal drugs, were found, there was a "reasonable" suspicion that the girl may have illegal drugs. This was an acceptable reason to further search the girl's purse.

APPENDIX THREE

Bethel School District #403 v. Fraser (1986)

This case involved the issue of what constitutes a student's right of free speech in a school setting. In this case, a student gave a speech nominating another student for an elective office in the school. This speech as part of a school-sponsored program studying self-government, was given at a voluntary assembly. School adminsitrators felt that the speech had sexually explicit metaphors and was in violation of the school's "disruptive conduct" policy. The student was suspended for three days.

The student's lawyers brought suit alleging that his First Amendment right to freedom of expression had been violated. They referred to the standard set by the Supreme Court in *Tinker v. Des Moines Independent School District* (1969). In this case, two students wore black armbands protesting the Vietnam War. They caused no problems and were not disruptive, but when ordered to take off the armbands, they refused. The Court ruled that this was an expression of free speech and since they were not being disruptive, their rights of freedom of expression were not lost at the "schoolhouse gate." The Court did recognize that a student's rights were often different from an adult's, but their rights could only be removed if their exercise "disrupts classwork or involves substantial disorder or invasion of the rights of others." The burden of proving disruption in school was on the shoulders of school officials. You decide this case.

APPENDIX FOUR

SUPREME COURT DECISION IN *FRASER*

Like many recent Court decisions, the Supreme Court ruled in favor of school officials. The Court held that the rights of students were different than those of adults. The court ruled that it was appropriate for schools to establish regulations prohibiting the use of vulgar or offensive terms. The Court did not establish standards for what language was appropriate and what was not. Rather, it stated that determination of what was appropriate or inappropriate rested with the school board. This changed the standard set in *Tinker* because the determination of appropriateness no longer rested on the basis of whether the offending free speech was disruptive.

APPENDIX FIVE

Hazelwood School District v. Kuhlmeier (1988)

This case involved two articles which were to appear at the beginning of a school newspaper. The first story dealt with teenage pregnancy and the second dealt with students who had gone through a divorce. The principal found these two stories objectionable, and because of time factors had them deleted. The school board upheld the principal's actions.

The Supreme Court was asked to rule on whether censoring the two articles violated the First Amend-

ment. The first article on pregnancy had three first hand accounts from students that had become pregnant. The article had not used sexually explicit material and was written anonymously.

Each article ended on a fairly positive note. For example, one girl said that the experience made her "a more responsible person" and that "I feel that now I am a woman." The second article dealt with the impact of divorce on young people.

Many comments were made about divorce and how children felt who have experienced or were presently experiencing divorce. Many of the quotes from students portrayed their father in a negative way, such as saying the father was out of town most of the time, did not spend enough time with the family or that he argued about everything. Some quotes used student names (these were going to be deleted, but the principal was not aware of this when he censored the article).

The principal gave a number of reasons for deleting the two articles. He felt that the articles were not appropriate for all students at the school, especially the younger ones because of references to sexual activity and birth control. Also, the principal believed that even though the teenage pregnancy article used false names to keep the identities of the girls secret, they could still be identified from the facts in the story. The principal believed that the fathers in the divorce articles should be given a chance to consent to the article's publication or to respond to the charges leveled at them by their children. There was no time to rewrite the articles, so the principal stated that his only option was to delete the articles and publish a shortened version of the newspaper.

In deciding this case remember the *Tinker, T.L.O.*, and *Fraser* cases. Should the standard of disruptiveness *(Tinker)* be used? Is the newspaper a public forum? These articles would have been acceptable in a city newspaper (and in fact were later published in a St. Louis paper). Must the Court give students the same freedom of expression that it does other citizens in the United States? You decide this case.

APPENDIX SIX

SUPREME COURT DECISION IN *HAZELWOOD*

In *Hazelwood*, the Court ruled for the school officials. The decision was close with a vote of five to three. The majority decision stated that the school newspaper is not a public forum. It stated that the school does not have to tolerate student speech that was inconsistent with its "basic educational mission," even though the government could not censor this material outside of the school.

The Court pointed out that students' First Amendment rights were not the same as adults' rights in other settings and that rights of students must be applied in light of special requirements of the school environment. It ruled that the school board and its school administrators were best qualified to determine the emotional maturity of students and what was appropriate for them. The Court was specific in stating that the education of the youth of the nation was the responsibility of parents, teachers, state and local officials, but not federal courts. Finally, in effect, this decision reversed the criteria put forward in *Tinker* that "disruptiveness" was the key issue. Now determination is what is "reasonable."

PRIVACY: PRESENT AND FUTURE

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INTRODUCTION

To introduce the topic of privacy and the threats to the privacy of students, a hypothetical situation will be developed at the beginning of the lesson in which the government can, through the use of technology, control the beliefs and ideas of students. This lesson will focus on the privacy rights of students in and out of school. It uses opinion polls and group activities in the form of problems or statements. Students will explain what they perceive as their privacy rights and how those rights are being denied. Cases such as *Hazelwood* and *T.L.O.* will be analyzed. Students will be required to state which rights exist for students.

This plan will make use of controversial privacy issues such as abortion, drug testing, computerized data banks, polygraphs, and electronic surveillance in schools, and in the community.

Students will do position papers of three to five pages on what their perceptions are of current and future threats to their rights in light of recent Supreme Court cases and school board interpretation of those decisions. A panel of speakers will discuss and answer student questions about the changing nature of students' right to privacy. The panel discussion will take place during a Law Day Assembly.

RATIONALE

As our society becomes increasingly controlled by technology, there is a legitimate concern over possible erosion of human liberty and privacy. Will computers undermine our right to independent thought and action? Will we have to redefine the concept of privacy because of electronic surveillance, drug testing, and greater intrusion of government in the lives of citizens? This lesson on privacy may fit into either a Search and Seizure, a Students Rights and Responsibilities unit, or a unit which explores the impact of technology on the future.

AUDIENCE

This lesson is appropriate for ninth through twelfth grade students.

TIME TO COMPLETE

Three to five class periods.

GOALS

As a result of this lesson, students will:

- analyze and evaluate Supreme Court cases on the issue of privacy;
- speculate on the effects of technology on privacy;
- become aware of threats to privacy in American society;
- compare and contrast what rights to privacy *do* exist, with what rights *should* exist for students;
- improve their debate and discussion skills;
- develop critical thinking and reasoning skills as cases and issues are examined.

MATERIALS

1. Hypothetical situation - A future society in which there is total surveillance
2. Public opinion poll on search and seizure
3. Student questions on privacy, generated from group work
4. Supreme Court cases
   - *Hazelwood School District v. Kuhlmeier*
   - *T.L.O. v. New Jersey*
   - *Roe v. Wade*
   - *City of Akron v. Akron Center for Reproductive Health*
   - *Planned Parenthood of Kansas City v. Ashcroft*
   - *National Treasury Employees Union v. Von Raab*

   (case cites can be found in the Table of Contents)

5. Bill of Rights — *Privacy and Your Rights* (Constitutional Rights Foundation, September 1979, vol. XIII, no. 3)
6. Article excerpts — "Wiretaps in the Wireless Age" and "Supreme Court to Judge Mandatory Drug Testing"
7. *1984* by George Orwell
8. *Fahrenheit 451* by Ray Bradbury

PROCEDURE, PART ONE

- The enclosed cartoons can be used to generate discussion about privacy issues. Students should explain the significance of the cartoons.
- As a warm-up exercise, use the following hypothetical situation to generate student questions and comments.

HYPOTHETICAL SITUATION

Big Friend is watching you. Posters on every street corner and building echo this reality. In the far distance a helicopter from the Police Patrol uses cameras to snoop into people's windows. At every home, school, and factory building, a huge megascreen picks up every word, thought, and whisper from every person. There is no way of knowing whether or not you are being watched. Every sound you make, every gesture, every wink of your eye could be recorded, investigated, and scrutinized by "Big Friend's" Thought Police. Informants encourage conformity and obedience to the doctrines of "Big Friend."

DISCUSSION QUESTIONS

1. Explain the problems that exist in the society described in the hypothetical.
2. In your opinion, how is technology creating the conditions described in the future society?
3. How can these invasions to privacy be avoided or eliminated?
4. Student group work — The classroom should be arranged in groups of 4 to 5 students. Students should develop lists of their privacy rights that exist at home, and in school. They should compare and contrast those privacy rights that *do* exist today with what they feel *should* exist in the future.
5. See Public Opinion Poll handout.

PROCEDURE, PART TWO

PUBLIC OPINION POLL

Directions: Next to each statement, indicate which of the following most closely expresses your opinion on these subjects.

(Use the poll to generate large group class discussion.)

Coding System

SA — Strongly agree
A — Agree
U — Uncertain
D — Disagree
SD — Strongly disagree

Statements

1. The police must be allowed to use every available means in combating crime.
2. The fact that evidence is illegally obtained should not relieve the criminal of his obligation to pay his debt to society.
3. Supreme Court decisions prohibiting the use of illegally obtained evidence have interfered with the efforts of the police to restore law and order in our society.
4. Police who violate constitutional provisions while performing their duties should be subject to criminal prosecution.
5. All individuals who work should be subject to mandatory drug testing.
6. Any means of electronic surveillance is justified to stop crime.
7. Abortions should be considered as a privacy issue not as a moral issue.
8. Only individuals with something to hide would refuse to allow the police to search their belongings.
9. School personnel should have the right to search students and their lockers.
10. Threats to privacy are justified in order to combat drug abuse and crime.
11. School principals should have the right to censor school publications.
12. Abortion should be a private decision without parental involvement.
13. Students suspected of drug dealing should undergo a polygraph test.
14. School newspapers that criticize the school should be shut down.

PROCEDURE, PART THREE

Use the following cases to create mini Supreme Courts in your class. Divide the class into groups of 4 to 5 students and give each group one of the following situations. Each group will analyze and evaluate their

case and explain to the group the facts, constitutional issues, their decision and whether or not their decision is fair to society and the individuals in the case. Questions at the end of each case are to be used to generate class discussion.

Case Study #1

A junior high has been experiencing a serious drug problem among its students. One day the principal of the school decides to call in all the school troublemakers and search them for drugs. The principal, a man, and the assistant principal, a woman, took the boys and girls into separate rooms where they were ordered to disrobe. These group strip searches allowed the two school administrators to find a quantity of pills, angel dust, and marijuana. Do you think that the students' privacy was invaded by the administrators? Do you agree with what the administrators did to find the drugs? Why or why not? What should the parents of these students do? What should the students do?

Case Study #2

Sam Dunn was a high tech drug dealer, using a cordless telephone to ply his trade, and Sam's drug transactions were going out on the AM radio waves. One day, a little boy tuned into one of Sam's drug transactions. The boy's mother called the police. After several weeks of listening to Sam's transactions, the police arrested him without the benefit of a search warrant. In your opinion, did the police need a search warrant to arrest Sam, since there was no wire and no wiretap?

Case Study #3

In a small New Jersey town, anonymous tipsters warned officials that some of the police and firemen were using illegal drugs. The town cracked down on them by staging surprise urine tests for all of the members of the police and fire departments. Twenty city employees, including two police officers, tested positive for marijuana or cocaine: they were given the choice of resigning or being suspended. In your opinion, did the mass roundup urinalysis violate constitutional prohibitions against unreasonable search and seizure? Did the town violate the Fifth Amendment rights of the suspected drug users? What limits, if any, should be placed on the use of technology to detect drug use? Should there be mandatory drug testing for all employees who come into contact with the public? What limits should there be on the war against drugs when civil liberties are endangered? Do employers have the right to test for the use of illegal drugs off the job as well as on the job? At what point can an employer require an employee to submit to urinalysis? Should there be mandatory prison sentences for narcotics possession?

Case Study #4

In order to fight crime more effectively, the F.B.I. proposed to set a massive computer data bank network. This network would link together hundreds of government and privately owned data banks all over the country. With the system in operation, an F.B.I. agent could submit a name, social security number, or a fingerprint and instantly receive a printout which would include an individual's criminal, employment, medical, credit, banking, credit card, driving, insurance, and tax records. Do you think such a data bank network would be a threat to the privacy of Americans? Do you think the data bank network idea is good or bad? Explain.

Case Study #5

School administrators can require all student and teacher publications to be reviewed to remove any "objectionable" material that might reflect poorly on the administration or the school. There would be no recourse but to obey the guidelines established by the school administrators. Explain how academic freedom for teachers and privacy for students would be affected by the new policy. Discuss the constitutional issues involved in this new policy.

Case Study #6

All students can be searched at the discretion of school administrators. Their lockers can be opened based on the "reasonable suspicion" of administrators. If contraband is discovered in student lockers, students can be suspended for ten days without a hearing since their actions endanger the school community. Metal detectors are to be placed at the doors of the school building. Anyone refusing to pass through the detector would be denied access to the school. Analyze and evaluate the constitutional issues in this case and the threats to the privacy of students.

Case Study #7

Teenage girls who become pregnant must have written parental notification and approval before an abortion can be authorized. Any girl who fails to secure parental approval is to be removed from the school when it is apparent that she is pregnant. The justification for these policies is that young girls are incapable of making such an important decision without parental consent. If the girl does have the child, it is to be automatically taken from her at birth and given to an adoption agency. Analyze and evaluate the constitutional issues and threats to privacy in this case.

Case Study #8

Elizabeth Bernstein was severly disabled by Cerebral Palsy from birth. At age twenty one, she weighed only sixty-five to seventy pounds. She had to be spoon fed which caused her to experience nausea and vomiting. When she could no longer eat, Elizabeth insisted on her right to die with dignity. The hospital inserted nasal feeding tubes against her will. A Superior Court judge backed the hospital's right to force feed her. Three times in one week, she tore out the feeding tubes from her nose. In your opinion, does she have a fundamental right to refuse medical treatment as part of a constitutional right to privacy? Should the state have a right to force feed her against her wishes? In your opinion, what is the more important right — the state's right to preserve life at any cost or Elizabeth's right to privacy and to die with dignity? *Explain your answers in full.*

SUGGESTED ACTIVITIES

1. See Rank Orderings on Privacy handout
2. See Wiretapping and Bugging handout
3. See Group Exercise on Supreme Court Cases handout
4. Invite a panel of law enforcement professionals to speak to your students for your annual Law Day assembly on the issue of privacy. The panel might include:
    - Judges
    - Defense lawyers and prosecutors
    - District Attorney
    - Sheriff
    - State and local police officers
    - Representative from Probation and Parole

    Students would be expected to question these professionals on the issue of privacy and how invasions of privacy affect society

EVALUATION

Suggested Questions

1. Explain what the term "privacy" means in our complex technological world.
2. In your opinion, how can the individual citizen guard against invasions of his/her privacy?
3. Why is individual privacy important in American society today? Why will it be important in the future?
4. Explain the meaning of this paragraph:

    "You know the law—burn them! Where's your common sense? None of those books agree with each other. You've been locked up here for years with a regular damned Tower of Babel. Snap out of it! The people in these books never lived. Burn them!"
5. What limits, if any, should be placed on the right of government to interfere with the privacy of individuals?
6. Discuss any future laws and regulations that should be established to protect privacy in the future.

Evaluation

1. Teacher could give short quizzes on each day's discussion or activity.
2. Students could be assigned short essays in which they discuss the issue of privacy or the particular Supreme Court case that was being analyzed in class.
3. Essay tests could be given at the end of the privacy lesson. They might be combined with multiple choice questions.
4. Position papers of three to five pages could be assigned in which students explain their perceptions of current and future threats to their privacy in light of recent Supreme Court cases and the interpretation of those decisions by school boards.

TIPS FOR THE TEACHER

1. This type of lesson encourages active student participation.
2. Students are very eager to discuss their particular points of view.
3. Since student rights within the school context are being discussed, it might be appropriate to invite the school principal or a school board member or chairperson to present the policy of the school district on the issue of privacy of student records, their lockers, and their personal belongings.

BIBLIOGRAPHY

Article "Privacy and Your Rights," *Bill of Rights In Action*, September, 1979, vol. XIII, no. 3.

Article "A Question of Privacy," *Newsweek*, September 29, 1986, pp. 19-21.

Article "Wiretaps in the Wireless Age," *Newsweek*, October 10, 1985, p. 48.

1. George Orwell's *1984* and the movie "1984".
2. Movies "The Conversation" and "The Manchurian Candidate".
3. Ray Bradbury's book and movie *Fahrenheit 451*.

For student use in class:

1. *New Jersey v. T.L.O.*
2. *Roe v. Wade.*
3. *City of Akron v. Akron Center for Reproductive Health*
4. *Planned Parenthood of Kansas City v. Ashcroft*
5. Article "High Court Backs School Censorship," *Washington Post*, February 13, 1988.
6. Article "Supreme Court to Judge Mandatory Drug Testing," *The Washington Post*, March 1, 1988.

HANDOUT #1

RANKING PRIVACY INTERESTS

Directions: Below is a list of various types of privacy invasions. Rank the list according to your point of view. Write *Number 1* next to the statement that you feel is the *greatest* invasion of your privacy. Then go through the list and rank the other items. *Number 16* should be the one that you feel is the *least* invasion of your privacy. Discuss the rankings with the class.

_____A neighbor spying on your activities around your home

_____The police entering your home with a warrant

_____A private detective entering your home without your knowledge to plant a "bug"

_____A loud and persistent noise from construction equipment nearby your home

_____A television camera aimed at you in a store

_____Disclosure of medical information by your doctor to your life insurance company

_____A wiretap of your telephone by the F.B.I.

_____Your auto insurance company's computer transmits information about you to your local credit bureau's computer

_____Anyone having access to a student's school records

_____A credit investigator asking one of your neighbors if you have loud parties

_____Your employer requiring you to take a lie detector test every month to see if you are stealing from the company

_____Electronic surveillance cameras are placed in the hallways and classrooms of all school buildings to monitor student activities

_____Student locker rooms are patrolled by guards to prevent theft

_____Polygraphs and voice stress analyzers are used to detect student cheaters, and during due process hearings before suspensions and expulsions

_____Students suspected of drug use must submit to compulsory urinalysis testing

_____Student informants are used by the principal to get information on teachers and their classroom methods

HANDOUT #2

WIRETAPPING AND BUGGING EXERCISE

Directions: From the list of persons below, write "W" next to each person who you feel should not be wiretapped or bugged unless the police get a warrant from a judge. Place the letter "O" next to one whom you feel the police should not have to get a warrant to tap or bug. Place an "X" next to each one you feel the police should not wiretap or bug.

_____ 1. A suspected Mafia leader

_____ 2. The leader of a radical protest group

_____ 3. A foreigner suspected of being a spy

_____ 4. A person suspected of plotting the assassination of the president

_____ 5. An official from Saudi Arabia in charge of his country's oil price policies

_____ 6. An American citizen who is known to have connections with a foreign terrorist group

_____ 7. A person whom the police suspect is a kidnapper

_____ 8. A government official who is suspected of leaking embarrassing information about the President to the press

_____ 9. An American citizen suspected of handing over top secret information to a foreign government

_____ 10. The leader of an anti-police group known to be planning a protest demonstration at a police station

HANDOUT #3

GROUP EXERCISE ON SUPREME COURT CASES

Directions: Divide the class into groups of 4 to 5 students. Distribute the following Supreme Court cases and have the students analyze and evaluate the facts, issues, Supreme Court decision, and their comments about the decision. They may need one class period to brief the cases and one class period to present them to the entire class.

1. *Roe v. Wade* (1973)
2. *City of Akron v. Akron Center for Reproductive Health* (1983)
3. *Planned Parenthood of Kansas City v. Ashcroft* (1983)
4. *New Jersey v. T.L.O.* (1985)
5. *Hazelwood School District v. Kuhlmeier* (1988)
6. *National Treasury Employees Union v. Von Raab* (1987)

DO TWO WRONGS MAKE A RIGHT?

Mac McKeown

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Columbus, Georgia

INTRODUCTION

As future leaders of our society, students should be aware that there are alternative solutions to many problems or situations facing society. One such situation involves alternatives on Constitutional issues, for example, the suppression of illegally obtained evidence.

After the use of case studies of *Mapp v. Ohio*, and *Wolf v. Colorado*, solicit suggestions from students on alternative approaches to the use of the "Exclusionary Rule." The brainwriting form can be used to demonstrate and help stimulate creative alternatives. List the best alternatives given by the students and have each one write a justification (opinion) to support the use of their new "Rule of Law." The last page of this lesson is to introduce and explain to the students the concept of the "Good Faith Doctrine" used in *Harris v. New York* (1971) and *U.S. v. Calandra* (1974). Case cites can be found in the table of cases.

AUDIENCE

This lesson is designed to be used with ninth grade students who are taking a general Citizenship Education course.

TIME TO COMPLETE

This lesson will take three to four class periods of fifty-five minutes duration. Lesson can be extended based on class participation and idea generation.

GOALS

As a result of this lesson, students will:

- develop an understanding of the Supreme Court's authority to reinterpret individual rights in regard to the Fourth and Fourteenth Amendments;
- develop a better understanding of how the court wrestles with the problem of balancing the rights of individuals within our society with the needs of the government to protect the rights of all citizens.

MATERIALS

1. Handouts—Fourth and Fourteenth Amendments (Sec. 1)
2. *Wolfe v. Colorado*
3. *Mapp v. Ohio*
4. Brainwriting sheet

PROCEDURE, PART ONE

1. Refresh student knowledge of the two major cases that brought about and expanded the use of the "Exclusionary Rule." Explain how the court through its decisions in these two precedent setting cases justified the use of these rules that it created (one to two class periods).
2. Have students role play being a member of the court with a desire to "rebalance" the need for the government to use illegally obtained evidence and still uphold the guarantees given to all citizens in the Fourth Amendment. Distribute the brainwriting form and have each student list two alternatives. Have students share their form with a number of other students. The other students are to list their alternatives or create new alternatives based on ideas already written on the form. Have students examine their own brainwriting sheet to find the best alternatives generated. Have students analyze the alternatives listed on the sheet and select the best three (or four or five). List and tally those alternatives given by the students on the board. From the list on the board, have students select what they feel is the best alternative approach and write a justification for that alternative to the use of the "Exclusionary Rule" (one to two class periods).
3. Introduce students to the precedents established concerning the "Exclusionary Rule" as shown in *Harris v. New York* (1971) and *U.S. v. Calandra* (1974). These cases are applications of the "In Good Faith Doctrine" which allows the use of illegally obtained evidence.
4. What impact would an expansion or contraction of the prior use of the Exclusionary Rule have on: [A] the police; [B] the case load of the courts; [C] the prison system.

5. Debriefing

The teacher may select the best of the student generated alternatives and review them with the class. The teacher may have students select one alternative and try to apply that alternative to a case that has already been decided where "The Exclusionary Rule" has been used to see how it may change the decision in the case. The students could write a paper predicting how the use of an alternative could affect police procedures and pre-trial motions.

EVALUATION

- teacher made pre- and post-test to measure gains in knowledge of Fourth Amendment, precedents, and specific case application/expansion of the Fourth and Fourteenth Amendments.
- Pupil generated "opinions" can be used as part of the evaluation.
- Pupil generated paper on effects of an alternative to the Exclusionary Rule can also be used to measure gains in understanding and knowledge of this area of Constitutional law.

TIPS FOR THE TEACHER

To help get the brainwriting session off the ground, ideas such as the punishing of the police who illegally obtained the evidence and/or use of the evidence but with limits on sentencing if conviction results, etc. can be used by the teacher as examples of "alternatives" used by other countries.

In Great Britain, the law provides for criminal and civil penalties against the police — but still allows the use of the illegally obtained evidence against the accused.

Reference can be made to the time line. The time line may also be used to help students organize and see development of the concept of the "Exclusionary Rule."

The Good Faith Exception to the exclusionary rule allows the use of evidence obtained with a search warrant if the police reasonably believed the warrant to be valid, even though it later proves to be illegal.

About the title — The first wrong is the criminal act. The second wrong is the gathering of evidence in violation of the Fourth and Fourteenth Amendments. The "Right" is the ability of the defense to make a motion to suppress evidence based on "The Exclusionary Rule."

Time Line of Use of the Exclusionary Rule —

1. English Common Law excluded as evidence a "coerced" confession because its involuntariness cast serious doubt on its reliability.
2. *Weeks vs. United States* (1914) — The Supreme Court held that evidence seized in violation of the Fourth Amendment was inadmissible in a Federal criminal prosecution.
3. *Wolf vs. Colorado* (1949) — The Fourth Amendment's guarantee against unreasonable searches and seizures were applicable to the states (States were prohibited from using illegally obtained evidence in FEDERAL courts).
4. *Mapp vs. Ohio* (1961) — Supreme Court ruled that illegally obtained evidence cannot be used in *State* criminal courts.
5. *Harris vs. New York* (1971) The Court held that illegally obtained evidence can be used to impeach the testimony of an accused at his/her trial.
6. *U.S. vs. Calandra* (1974) The Supreme Court held that illegally obtained evidence is admissible in grand jury proceedings.

BIBLIOGRAPHY

Levy, Leonard W., ed. "Encyclopedia of the American Constitution." New York: MacMillian, 1986.

HANDOUT #1

Amendment IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated and no warrants shall be issued, but upon probable cause, supported by Oath of affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Amendment XIV (Section 1.)

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

***Wolf vs. Colorado* (1949)**

Basing its decision on the concept of Federalism, the Supreme Court held in *Wolfe* that the core of the Fourth Amendment's freedom from unreasonable searches was "basic" and thus, incorporated in the Fourteenth Amendment as a restriction on searches by state officers, but that its enforcement feature, the "Exclusionary Rule," was not.

***Mapp vs. Ohio* (1961)**

QUESTION — Is evidence obtained in violation of the search and seizure provisions of the Fourth Amendment admissible in a *State* court?

DECISION — NO.

HANDOUT #2

Opinion by Mr. Justice Clark (Majority)

Previous decisions have held that the security of one's privacy against arbitrary intrusion of the police is implicit in the concept of ordered liberty; and as such is enforceable against the *states* through the due process clause. However, the Court has previously refused to exclude evidence that was secured from state courts as "an essential ingredient of the right." Since the Fourth Amendment's right of privacy has been declared enforceable against the *states* through the due process clause of the Fourteenth Amendment, it is enforceable of exclusion as is used against the federal against them by the same sanction government. All evidence obtained by searches and seizures in violation of the Constitution is, by that same authority, inadmissible in a state court.

BRAINWRITING

"STUDENT LIBERTIES IN QUESTION"

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INTRODUCTION

This lesson offers students an opportunity to familiarize themselves with the issue of free speech. The students will address possible limitations of free speech and the application of it in an institution. Students will be engaged in a variety of activities including a student skit, exposure to a "real case," introduction to a member of the local legal community, and film treatment of the issues.

RATIONALE

The content of this lesson should have immediate relevance and applicability to the student in high school. It should speak to the issue of rights and responsibilities. The lesson can be incorporated into any part of the Constitution that deals with individual liberties in question or the application of First Amendment rights.

AUDIENCE

This lesson is appropriate for students in grades ten through twelve.

TIME TO COMPLETE

Approximately ten hours of class time.

GOALS

As a result of this lesson students will:

- increase their awareness of the issue of First Amendment rights and responsibilities;
- develop some insights into specific Supreme Court cases which have direct bearing on students' lives;
- have information that will demonstrate the precarious nature of some of our freedoms;
- be exposed to a member of the legal community.

MATERIALS

1. **Students**
   - small notebook
   - props for skit (optional)
2. **Classroom** (optional activity)
   - video camera
   - raw video tape
   - video playback equipment
   - prerecorded video (your choice)
3. **Teacher Prepared**
   - Skit handout
   - Duplication of *Bethel v. Fraser* materials
   - *Facts on File* articles excerpted on *New York Times v. Sullivan, Hazelwood School District v. Kuhlmeier Tinker v. Des Moines Independent Community School District*

PROCEDURE, PART ONE

Day 1

1. Prepare a simple handout offering them the First Amendment to the Constitution. Each student should respond to the question, "How does the First Amendment apply to your life here at ... high school?"
2. **A Classroom Skit**

   The class will organize itself into a typical high school setting for a student body election. Students will receive the following handout.

- **Characters & Function**
  - A Student Body Presidential Candidate
  - Candidate's Campaign manager
  - Members of Student Council
  - Principal
  - Parent (or parents)
  - Two Student observers (to objectively observe, the classroom process)
  - Other characters as determined by the class

"One of your group is running for Student Body President, another is that person's campaign manager. You are both known to be popular, mainstream students. Each character delivers a short campaign speech, nontraditional and questionable in content and taste. However you will refrain from using graphic language and illustrations that would be socially unacceptable. The audience should respond as a normal student body audience would in this setting. The student is challenged by school authorities.

- The school is a suburban school of 1200 students.
- There is a mix of 30% minority and 70% white students, all largely middle class.
- The community is somewhat conservative. Many churches are found here but church membership is relatively low."

- The class will cast the players and organize the plot.
- The class skit must offer some insight into student rights in question.
- The student observers will offer insights to the class about the process and dynamic of the skit.

PROCEDURE, PART TWO

Day 2

1. Students will present the skit in whatever format they have developed. Following the skit the student observers will offer their observations based upon what they understand to be the norms for their community and their school.

   Discussion should follow on the results of the skit between class and teacher. The skit may be videotaped for playback later. (optional)

PROCEDURE, PART THREE

Day 3

1. Obtain a copy of any one of the following video tapes:

- *"Our World 1952-54 ABC News"*
- *"The Way We Were"-Robert Redford, Barbara Steisand*
- *"The Front-Zero Mostel"*

Preview your video film and identify the section that you feel coordinates with the skit, the classroom discussion, and the issue of freedom of expression. Show the excerpt to stimulate further discussion.

PROCEDURE, PART FOUR

Day 4

1. Students are introduced to the case *Bethel School District vs. Fraser.* Provide supplemental material for students to read (See supplemental material). Answer any questions and ask for their responses and reactions. Allow students ample time to read the material. Discussion may be videotaped for playback later. (optional)

PROCEDURE, PART FIVE

Day 5

1. Invite an attorney to speak to the class on the issues related to privacy, freedom of speech and to the function of the First Amendment in high school students' lives. Another question for an attorney to address could be *"Are Students Equal to Adults in Freedom of Speech?"* This presentation may be videotaped for playback later. (optional)

Day 6

2. Provide excerpts from additional cases such as *New York Times v. Sullivan* or *Hazelwood School District v. Kuhlmeier.* Material is readily available from Facts on File in your library. Discuss these cases and their application to the unit. Discussion may be videotaped for playback later. (optional)

Day 7

3. If you videotaped the daily activities show the videotape excerpts of student participation for the skit, the skit itself, discussion of the *Fraser* case, and the presentation by the attorney.

Day 8, 9 & 10.

4. Show "The Front" if time allows demonstrating to students the results of the limitation of free speech in society.
5. **Culmination of Unit** — Students should now be prepared with adequate information to respond in essay format.

   Each student should respond with an essay that reflects his/her perspectives on the following:

   a. The delicate nature of the freedom of speech in our society.
   b. The meaning of free speech in a high school setting.
   c. The prospect for the future of free speech in the high school and the prospect of that same freedom in society at large.
   d. As an optional question, the students may critique the activity in terms of the effectiveness of each activity and its impact on their thinking:
      - the Skit
      - the presentation by an attorney
      - the class discussions
      - the supplemental material
      - the use of film

HANDOUT #1

Some Miscellaneous Facts of The Case

1. The plaintiff, Matthew Fraser, was academically a very good student. He was a member of the Honor Society and the debate team and had been awarded "Top Speaker" in statewide debate championships two years in a row.
2. The speech contained language with secondary meanings which had sexual connotations.
3. There is some question as to whether Matt Fraser intended the language to be serious or whether the language was intended to stimulate the audience to vote for his candidate by using a common form of humor among students his age to develop a rapport with his audience.
4. Before delivering his speech to the assembled students, Fraser privately presented his speech to three different Bethel High School teachers seeking their comments.
5. One teacher refrained from making any judgment and the other two thought the speech was in poor taste and advised Fraser not to deliver it. The teachers left the decision up to Fraser. None of the teachers went to the administration to suggest they speak with Fraser.
6. Students were not required to attend the assembly. Fraser's speech was well received by the students. No students visibly indicated disapproval. The entire assembly was controlled without difficulty by a student, The Student Body Vice-President.
7. Fraser's candidate won the election.
8. Matt Fraser had been an outspoken critic of the school and its administration. Fraser had accused the Assistant Principal of attempting to misuse school funds to purchase sixty dollars worth of paint to repaint a local private bridge.
9. After the speech was delivered Assistant Principal Morrison made a statement in which he said "We can't let him get away with this one."
10. A year earlier, another student published an essay in the school's literary magazine which, through sexual double meanings, described in detail the sexual conquest of a female by a male. This student was not suspended for publishing the essay and was allowed to be a speaker at graduation.
11. A similar speech had been delivered by a student a year earlier. This speech contained the same sexual secondary meaning as Fraser's. The student was not suspended from school.
12. Following Fraser's suspension, students put up posters with their signatures affixed, opposing the administration's decision. Even with statements with secondary meanings such as "Don't Be Hard On Matt" and "Stand Firm Matt," the Principal did not suspend or punish these students.

LIST OF CASES REFERRED TO IN THE LESSON PLANS

Berger v. New York, 388 U.S. 41, 87 S.Ct. 1873, 18 L. Ed. 2nd 1040 (1967)
Bivens v. Six Unknown Named Agents, 403 U.S. 388, 91 S.Ct. 1999, 29 L. Ed. 2nd 619 (1971)
Bowers v. Hardwick, 478 U.S. 186, 106 S.Ct. 2841, 92 L. Ed. 2nd 140 (1986)
Bradwell v. State of Illinois, 83 U.S. (K Wall.) 130 (1873)
Brandenburg v. Ohio, 395 U.S. 444, 89 S.Ct. 1827, 23 L. Ed. 2nd 430 (1969)
Brown v. Board of Education, 349 U.S. 294, 75 S.Ct. 753, 99 L. Ed. 2nd 1083 (1955)
Camara v. Municipal Court, 387 U.S. 523, 87 S.Ct. 1727, 18 L. Ed. 2nd 930 (1955)
Diehl v. State of Texas, 698 SW2d 712, rehearing denied (1985)
Doe v. Renfrow, 451 U.S. 1022, 631 F. 2nd 91 (1980)
Frontiero v. Richardson, 411 U.S. 677, 93 S.Ct. 1764, 36 L. Ed. 2nd 583 (1973)
Gitlow v. New York, 268 U.S. 652 (1924)
Goss v. Lopez, 419 U.S. 565, 95 S.Ct. 729, 42 L. Ed. 2nd 725 (1975)
Griswold v. Connecticut, 381 U.S. 479, 85 S.Ct. 1678, 14 L. Ed. 2nd 510 (1965)
Grove City College v. Bell, 465 U.S. 555, 104 S.Ct. 1211, 79 L. Ed. 2nd 516 (1984)
Hazlewood School District v. Kuhlmeier, 484 U.S. 260, 108 S.Ct. 562, 98 L. Ed. 2nd 592 (1988)
Hoyt v. Florida, 368 U.S. 57, 82 S.Ct. 159, L. Ed. 2nd 118 (1961)
Katz v. United States, 389 U.S. 347, 88 S.Ct. 507, 19 L. Ed. 2nd 576 (1967)
Mapp v. Ohio, 367 U.S. 643, 81 S.Ct. 1684, 6 L. Ed. 2nd 1081 (1961)
Minor v. Happersett, 88 U.S. (21 Wall.) 162, 22 L. Ed. 2nd 627 (1874)
Muller v. State of Oregon, 208 U.S. 412, 52 L. Ed. 2nd 551, 28 S.Ct. 324 (1908)
New Jersey v. T.L.O., 469 U.S. 325, 105 S.Ct. 733, 83 L. Ed. 2nd 720 (1985)
Plessy v. Ferguson, 163 U.S. 537, 41 L. Ed. 2nd 256, 16 S.Ct. 1138 (1896)
Raymond v. Superior Court for Sacramento County, 19 CA 3d 321, 96 Cal. Reptr. 678 (1971)
Reed v. Reed, 404 U.S. 71, 92 S.Ct. 251, 30 L. Ed. 2nd 225 (1971)
Regents of University of California v. Bakke, 438 U.S. 265, 98 S.Ct. 2733, 57 L. Ed. 2nd 750 (1971)
Romano v. Lomasney, 423 So. 2d 787 (1983)
Ross v. Hilltop Rehabilitation Hospital, 676 F Supp 1528, (1987)
Terry v. Ohio, 392 U.S. 1, 88 S.Ct. 1868, 20 L. Ed. 2nd 889 (1968)
Tinker v. Des Moines School District, 393 U.S. 503, 89 S.Ct. 733, 21 L. Ed. 2nd 731 (1969)
Wilkinson v. the FBI, 633 F Supp. 336, (1986)

How to Read Legal Citations

57 U.S.L.W. 4770!?

Are you unsure about the meaning of 57 U.S.L.W. 4770? You are not alone. Legal citations baffle most Americans. However, they're easy to master, and they'll help you find cases cited in *Update* and other publications.

First, let's look at Supreme Court citations. Let's say you want to look up the flag-burning case decided last term. You'll find it cited in Court Briefs as *Texas v. Johnson*, 57 U.S.L.W. 4770. Now what?

The most recent Supreme Court decisions appear in a weekly periodical called *United States Law Week*. In citations it's shortened to "U.S.L.W." or "L.W." A citation to this publication looks like this:

Texas v. Johnson, 57 U.S.L.W. 4770, June 21, 1989

Broken down, the citation gives the following information: (1) the name of the case, with the party appealing to the Supreme Court listed first, and the party against whom the appeal is being brought listed second:

Texas v. Johnson

(2) the volume and page it can be found in the *United States Law Week*:

57 (volume) U.S.L.W. 4770 (page)

(3) the date the case was decided:

June 21, 1989

Supreme Court cases which are not so recent appear in several publications: *United States Reports* (abbreviated "U.S." in citations); *Supreme Court Report* ("S.Ct."); and *Supreme Court Report, Lawyers' Edition*, a volume which includes commentary on each decision ("L. Ed. 2nd"). Citations to a Supreme Court case may list two or even all three of these cites, as a convenience to the reader.

Citations to an important earlier case on symbolic expression under the First Amendment, this one on burning a draft card, look like this: *U.S. v. O'Brien*, 391 U.S. 367 (1968), 88 S.Ct. 1673 (1968), and 20 L. Ed. 2nd 672 (1968).

Each of these gives the following information:

(1) the name of the case, with the party appealing to the Supreme Court listed first, and the party against whom the appeal is being brought listed second:

U.S. v. O'Brien

(2) the volume and page on which it can be found in each reporter system. In *United States Reports*, for example, it is found in

391 (volume) U.S. 367 (page)

(3) the year the case was decided:

1968

Citations for decisions of lower federal courts, as well as state courts, are similarly structured. The volume always comes first, followed by the abbreviation of the reporter system, the page number, and the year.

Of course, a law school library is often the best place to research a case, but most bar associations, county or city governments, and law firms have at least the Supreme Court reporters.

Establishing contacts with law librarians, practicing attorneys, and others who have ready access to such resources can be especially valuable to you and your students.

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